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STATUTES

OF THE

PROVINCE OF ONTARIO

RECEIVING ROYAL ASSENT IN THE YEAR 1987

In which year ended the thirty-fifth and began the thirty-sixth year of the Reign of Her Majesty Queen Elizabeth II

And in which year the Second Session of the Thirty-Third Legislature of Ontario was reconvened on the 12th day of January and prorogued on the 12th day of February

And in which year the Third Session of the Thirty-Third Legislature of Ontario was convened on the 28th day of April, was adjourned on the 29th day of June and dissolved on the 31st day of July

And in which year the First Session of the Thirty-Fourth Legislature of Ontario was convened on the 3rd day of November and adjourned on the 31st day of December.

HIS HONOUR LINCOLN M. ALEXANDER
LIEUTENANT GOVERNOR

TORONTO
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PART I
PUBLIC ACTS

Chapters 1 to 37

CHAPTER 1

An Act to amend the Courts of Justice Act, 1984

Assented to February 3rd, 1987

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 39 (1) of the *Courts of Justice Act, 1984*, being chapter 11, is repealed and the following substituted therefor:

Composition of court

(1) The Unified Family Court shall be presided over by,

(a) a senior judge of the District Court, appointed for the Unified Family Court; or

(b) a judge of the District Court,

who is a local judge of the High Court and is authorized under subsection (2) to exercise the jurisdiction of a judge of the Provincial Court (Family Division).

(2) Section 39 of the said Act is amended by adding thereto the following subsection:

Duties of senior judge

(2a) The senior judge appointed for the Unified Family Court shall direct and supervise the sittings of the Unified Family Court and the assignment of its judicial duties.

2. Subsection 44 (4) of the said Act is amended by striking out "a proceeding referred to in subsection 40 (1)" in the first and second lines and inserting in lieu thereof "a proceeding under a statutory provision set out in the Schedule to this Part".

3. Subsection 47 (1) of the said Act, as amended by the Statutes of Ontario, 1984, Chapter 55, section 213, is further amended by striking out "magistrate under the *Criminal Code* (Canada)" in the second and third lines and inserting in lieu

thereof "judge sitting in the Provincial Court (Criminal Division)".

4.—(1) Clause 61 (1) (b) of the said Act is repealed.

(2) Subsection 61 (2) of the said Act is repealed.

5. Subsection 67 (1) of the said Act, as amended by the Statutes of Ontario, 1984, chapter 64, section 3, is repealed and the following substituted therefor:

Jurisdiction

(1) When sitting in the Provincial Court (Criminal Division), a provincial judge has the powers and authority that any Act of the Parliament of Canada confers on a provincial court judge or on two or more justices of the peace.

6. The said Act is amended by adding thereto the following section:

Appeals

75a. Where no provision is made for an appeal from an order of the Provincial Court (Family Division), an appeal lies to the District Court.

7.—(1) Subsections 125 (1) and (2) of the said Act are repealed and the following substituted therefor:

Investigation and report of Official Guardian
S.C. 1986, c. 4
R.S.O. 1980, c. 68

(1) In a proceeding under the *Divorce Act, 1985* (Canada) or the *Children's Law Reform Act* in which a question concerning custody of or access to a child is before the court, the Official Guardian may cause an investigation to be made and may report and make recommendations to the court on all matters concerning custody of or access to the child and the child's support and education.

Idem

(2) The Official Guardian may act under subsection (1) on his or her own initiative, at the request of a court or at the request of any person.

(2) Subsection 125 (3) of the said Act is amended by striking out "divorce" in the seventh line.

(3) Subsections 125 (5), (6) and (7) of the said Act are repealed.

8. Clause 143 (b) of the said Act is amended by striking out "on the ground that the discretion was wrongly exercised" in the third and fourth lines.

9. The said Act is further amended by adding thereto the following section:

159a. A writ of execution that was issued before the 1st day of January, 1985 may be renewed in the same manner and with the same effect as a writ of execution issued on or after that day. Renewal of writs of execution issued before January 1, 1985

10. Section 32 of the *Children's Law Reform Act*, being chapter 68 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is repealed.

11.—(1) This Act, except section 9, comes into force on the day it receives Royal Assent. Commencement

(2) Section 9 shall be deemed to have come into force on the 1st day of January, 1985. Idem

12. The short title of this Act is the *Courts of Justice Amendment Act, 1987*. Short title

CHAPTER 2

An Act to repeal the Inflation Restraint Act, 1982 and the Public Sector Prices and Compensation Review Act, 1983

Assented to February 3rd, 1987

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Repeals

1. The *Inflation Restraint Act, 1982*, being chapter 55 of the Statutes of Ontario, 1982 and the *Public Sector Prices and Compensation Review Act, 1983*, being chapter 70 of the Statutes of Ontario, 1983, are repealed.

No invalidity for non-compliance with filing requirements

2.—(1) No change in a group compensation plan, as defined in clause 1 (f) of the *Public Sector Prices and Compensation Review Act, 1983*, shall be invalidated by reason of non-compliance with subsection 6 (3) of that Act.

Application

(2) Subsection (1) applies to a change that was implemented before the coming into force of this Act.

Inflation Restraint Board continued for certain purposes

3. Notwithstanding the repeal of the *Inflation Restraint Act, 1982*, by section 1 of this Act, the Inflation Restraint Board established under that Act is continued and has all the powers and jurisdiction conferred on it thereunder for the purposes only of implementing or giving effect to any order or decision of a court made on a proceeding commenced before the day this Act comes into force.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Inflation Restraint and Public Sector Prices and Compensation Review Repeal Act, 1987*.

CHAPTER 3

An Act to repeal the Farm Loans Act and the Farm Loans Adjustment Act

Assented to February 3rd, 1987

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Repeals

1. The *Farm Loans Act*, being chapter 154 of the Revised Statutes of Ontario, 1980 and the *Farm Loans Adjustment Act*, being chapter 155 of the Revised Statutes of Ontario, 1980, are repealed.

Dissolution of farm loan associations

R.S.O. 1980, c. 154

2. Where it appears to the Lieutenant Governor in Council that a farm loan association incorporated under the *Farm Loans Act* has ceased to operate but was not dissolved, the Lieutenant Governor in Council may by order dissolve the farm loan association and make such provision as is considered appropriate for the disposal of its property and records.

Mortgages discharged

3. Every mortgage to secure a loan made under the *Farm Loans Act* is discharged and void.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Farm Loans and Farm Loans Adjustment Repeal Act, 1987*.

CHAPTER 4

An Act to amend the Child and Family Services Act, 1984 and certain other Acts in relation to Adoption Disclosure

Assented to February 3rd, 1987

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 5 of subsection 3 (1) of the *Child and Family Services Act, 1984*, being chapter 55, is repealed and the following substituted therefor:

5. "Board" means the Child and Family Services Review Board continued under Part IX (Licensing).

2. Clause 130 (1) (a) of the said Act is repealed.

3. Subclause 131 (4) (a) (iii) of the said Act is repealed and the following substituted therefor:

(iii) to obtain non-identifying information under section 158b and to participate in the adoption disclosure register maintained under clause 157 (2) (a); and

. . . . .

4. Clause 146 (2) (b) of the said Act is amended by striking out "adopting" in the second line and inserting in lieu thereof "adoptive".

5.—(1) Subsection 152 (2) of the said Act is amended by striking out "adopting" wherever it occurs and inserting in lieu thereof in each instance "adoptive".

(2) Subsection 152 (3) of the said Act is amended by striking out "adopting" in the second line and in the third line and inserting in lieu thereof in each instance "adoptive".

6. Section 154 of the said Act is amended by adding thereto the following subsection:

Definition

(2) In this section, "birth parent" has the same meaning as in section 158b.

7. Sections 155, 156, 157 and 158 of the said Act are repealed and the following substituted therefor:

Parent to be informed on request

155. At the request of a person whose consent to an adoption was required under clause 131 (2) (a) or a predecessor of that provision and was given or was dispensed with, any society or the licensee that placed the child for adoption shall inform the person whether an order has been made for the child's adoption.

Definition

156.—(1) In this section, "court" includes the District Court.

Papers to be sealed up

(2) Subject to subsections (3) and 158c (6), the documents used upon an application for an adoption order under this Part or a predecessor of this Part shall be sealed up together with a certified copy of the original order and filed in the office of the court by the proper officer of the court, and shall not be open for inspection except upon an order of the court or the written direction of the Registrar of Adoption Information appointed under subsection 157 (1).

Transmission of order

(3) Within thirty days after an adoption order is made under this Part, the proper officer of the court shall cause a sufficient number of certified copies of it to be made, under the seal of the proper certifying authority, and shall transmit,

(a) the original order to the adoptive parent;

(b) one certified copy to the Registrar of Adoption Information;

R.S.O. 1980, c. 524

(c) one certified copy to the Registrar General under the *Vital Statistics Act*, or, if the adopted child was born outside Ontario, two certified copies;

R.S.C. 1970, c. I-6

(d) if the adopted child is an Indian, one certified copy to the Registrar under the *Indian Act* (Canada).

REGISTRAR OF ADOPTION INFORMATION

Registrar of Adoption Information

157.—(1) The Minister may appoint an employee of the Ministry as Registrar of Adoption Information for the purposes of this section and sections 158 to 158j.

(2) The Registrar shall, Duties of Registrar

(a) maintain a register for the purposes of section 158c;

(b) ensure that counselling is provided to persons who receive identifying information from the Registrar;

(c) ensure that counselling is made available to persons who receive non-identifying information from the Registrar, who are or may wish to be named in the register, or who are concerned that they may be affected by the disclosure of identifying information;

(d) have searches conducted in accordance with subsection 158e (3).

(3) The Registrar may, in writing, authorize other employees of the Ministry to exercise any or all of the Registrar's powers and perform any or all of the Registrar's duties. Delegation of Registrar's powers and duties

(4) The counselling referred to in this section and in sections 158b (disclosure of non-identifying information), 158c (adoption disclosure register) and 158f (persons adopted outside Ontario) shall be provided by persons who are, in the opinion of the Registrar or a local director, qualified to do so. Counselling

158. Sections 158a to 158j apply whether the adoption order was made before or after section 7 of the *Adoption Disclosure Statute Law Amendment Act, 1987* comes into force. Application of sections 158a to 158j 1987, c. 4

CONFIDENTIALITY OF ADOPTION RECORDS

158a.—(1) Despite any other Act, after an adoption order is made, no person shall inspect, remove, alter or permit the inspection, removal or alteration of information that relates to the adoption and is kept, Adoption information confidential

(a) by the Ministry;

(b) by a society or licensee; or

(c) in the adoption disclosure register maintained under clause 157 (2) (a),

or disclose or permit the disclosure of such information that the person obtained from the records of the Ministry, including the register, or from the records of a society or licensee.

(2) Subsection (1) does not apply to, Exceptions

(a) the disclosure of information by a person who obtained it before the adoption order was made, if the information was obtained in accordance with this Act and the regulations or with the consent of the person to whom the information relates;

(b) the disclosure of non-identifying information in accordance with section 158b or 158f (persons adopted outside Ontario);

(c) the disclosure of identifying information in accordance with section 158c (adoption disclosure register) or 158f;

(d) the disclosure of identifying or non-identifying information in accordance with section 158d (disclosure to protect health, safety or welfare);

(e) the disclosure of information in accordance with an order of the Board under subsection 158h (10);

(f) the routine maintenance and updating of records by the Ministry or a society or licensee;

(g) the release by the Registrar of Adoption Information of a copy of an adoption order to,

(i) the adoptive parent,

(ii) the adopted person or any other person if, in the Registrar's opinion, it is desirable that he or she receive a copy of the adoption order, or

(iii) a governmental authority that requires the copy to issue a birth certificate, passport or visa;

(h) the inspection, by a person named in subsection (3), of information kept by the Ministry or a society or licensee, or the disclosure of such information to such a person;

(i) the disclosure of information to a person who is engaged in research, in accordance with subsection (4).

Persons entitled to share information

(3) Clause (2) (h) applies in respect of:

1. The Minister.

2. The Registrar of Adoption Information.

3. A Director, or an employee of the Ministry who has a Director's written authority.

4. A local director, or an employee of a society who has the local director's written authority.

5. A licensee who is an individual, a director of a licensee that is a corporation, or an employee of a licensee who has the licensee's written authority.

6. A child protection or child placement agency that is recognized in another jurisdiction.

Research

(4) A person who is engaged in research may, with the written approval of the Registrar of Adoption Information or, in the case of information kept by a society, with the local director's written approval, inspect and use information that relates to adoptions, but shall not,

(a) use or communicate the information for any purpose except research, academic pursuits or the compilation of statistical data; or

(b) communicate any identifying information.

Non-application of 1987, c. 25

(5) The *Freedom of Information and Protection of Privacy Act, 1987* does not apply to information that relates to an adoption.

Coming into force of subs. (5)

(6) Subsection (5) does not come into force until a day to be named by proclamation of the Lieutenant Governor.

DISCLOSURE OF NON-IDENTIFYING INFORMATION

Definition

158b.—(1) In this section and in sections 158c to 158j, "Registrar" means the Registrar of Adoption Information appointed under subsection 157 (1).

Idem

(2) In this section and in sections 157, 158a and 158c to 158j,

"identifying information" means information whose disclosure, alone or in combination with other information, will in the circumstances reveal the identity of the person to whom it relates;

"non-identifying information" means information that is not identifying information.

Idem

(3) In this section and in sections 158c, 158d and 158e,

"adopted person" means a person who was adopted in Ontario;

"birth grandparent" means any parent of a birth parent;

"birth parent" means an adopted person's biological mother or father, and includes a person whose consent to another person's adoption was required under clause 131 (2) (a) or a predecessor of that provision and was given or was dispensed with;

"birth sibling" means a child of the same birth parent as an adopted person, and includes the birth parent's adopted child and a person whom the birth parent has demonstrated a settled intention to treat as a child of his or her family;

"register" means the register maintained under clause 157 (2) (a).

Who may request information

(4) Each of the following persons may make a request to the Registrar for non-identifying information that relates to an adoption:

1. The adopted person, if he or she has attained the age of eighteen years or has the written consent of an adoptive parent.

2. An adoptive parent.

3. A birth parent or birth grandparent.

4. A birth sibling who has attained the age of eighteen years.

5. A person who is a member of a prescribed class, if the person has the written consent of the adopted person and the adopted person would be entitled to make the request or, if not, the written consent of an adoptive parent.

6. Any other person if, in the Registrar's opinion, it is desirable that the person be able to request non-identifying information as if he or she were a birth parent.

Disclosure of information

(5) When a person makes a request under subsection (4), the Registrar shall do one of the following:

1. Disclose to the person all the relevant non-identifying information in the Ministry's possession that relates to the adoption.

2. Forward that information to a society or licensee for disclosure to the person in accordance with subsection (7).

3. If the person lives outside Ontario, disclose that information to a child protection or child placement agency that is recognized in the jurisdiction where the person lives, or to an individual in that jurisdiction who, in the Registrar's opinion, is qualified to provide counselling.

4. Refer the person's request to a society or licensee that has the relevant information.

Counselling

(6) When the Registrar discloses information under subsection (5), he or she shall also ensure that counselling is made available to the person receiving the information.

Information forwarded to society or licensee

(7) When the Registrar forwards information to a society or licensee under subsection (5), the society or licensee shall disclose it to the person who requested it and shall also make counselling available to him or her.

Societies and licensees

(8) Subsections (4), (5), (6) and (7) also apply with necessary modifications to societies and licensees.

Further disclosure

(9) A person who receives information under subsection (5) or (7) may disclose it to any person.

ADOPTION DISCLOSURE REGISTER

Disclosure of identifying information

158c.—(1) After an adoption order is made in Ontario, identifying information that relates to the adoption may be disclosed in accordance with this section or section 158d (disclosure to protect health, safety or welfare).

Who may apply to be named in register

(2) Each of the following persons may apply to a society or to the Registrar to be named in the register:

1. An adopted person who has attained the age of eighteen years.

2. The birth parent or birth grandparent of an adopted person.

3. The birth sibling of an adopted person, if the birth sibling has attained the age of eighteen years.

4. Any other person if, in the Registrar's opinion, it is desirable that the person be named in the register as if he or she were a birth parent.

Society to forward application

(3) A society that receives an application shall promptly send it to the Registrar.

Entry in register, etc.

(4) On receiving an application, the Registrar shall enter the applicant's name in the register and then make a search to determine whether the adopted person and his or her birth parent, birth grandparent or birth sibling or a person described in paragraph 4 of subsection (2) are both named in the register.

Further consents

(5) If the Registrar determines that an adopted person and his or her birth parent, birth grandparent or birth sibling or a person described in paragraph 4 of subsection (2) are both named in the register, the Registrar shall, after ensuring that each of them receives counselling, give both persons an opportunity to consent in writing to the disclosure of information in accordance with subsections (8) and (9).

Registrar to compile relevant material

(6) If both persons give the further consent referred to in subsection (5), the Registrar shall compile the material described in paragraphs 1, 2 and 3:

1. All relevant identifying information from the records of the Ministry and of societies and licensees.

2. If the adopted person requests it, copies of the documents referred to in subsection 156 (2) (court file).

3. If the adopted person requests it, an extract of information from his or her original birth registration kept by the Registrar General under the *Vital Statistics Act*.

R.S.O. 1980, c. 524

Idem

(7) The compiled material shall include only information that pertains to the adopted person or the other person named in the register and shall not include a copy of the adopted person's original birth registration.

Disclosure by Registrar

(8) The Registrar shall ensure that the compiled material is promptly disclosed to the adopted person and also to the other person named in the register, separately and in accordance with one or more of the methods described in subsection (9).

Idem

(9) The Registrar may,

(a) make the compiled material available to the adopted person or the other person named in the register, or to both, first ensuring that each person to whom the material is made available receives counselling;

(b) forward the compiled material to a society that he or she considers appropriate to undertake disclosure to the adopted person or the other person named in the register, or to both;

(c) if the adopted person or the other person named in the register lives outside Ontario, forward the compiled material to a child protection or child placement agency that is recognized in the jurisdiction where the person lives, or to an individual in that jurisdiction, but only if the Registrar is satisfied that the person will receive appropriate counselling.

Exception: further consent

(10) If a person whose further consent to disclosure would be required is named in the register but has died, cannot be found despite a discreet and reasonable search that has continued for at least six months, or appears to lack capacity as defined in clause 4 (1) (a), the Registrar may disclose information to the other person named in the register in accordance with subsection (9) without the first-named person's further consent.

Duty of society

(11) A society that receives compiled material under clause (9) (b) shall promptly make it available to the adopted person or the other person named in the register, or both, as the case may be, first ensuring that each person to whom the material is made available receives counselling.

Additional information

(12) If the society's records contain identifying information that pertains to the adopted person or the other person named in the register and that is not included in the compiled material, the society shall disclose the information in the same manner as the compiled material.

Duty of society

(13) A society shall provide counselling to persons who receive identifying information from the society, and shall make counselling available to persons who are named or may wish to be named in the register or who are concerned that they may be affected by the disclosure of identifying information.

Further disclosure

(14) A person who is named in the register and receives information under subsection (9), (10), (11) or (12) may disclose it to any person.

DISCLOSURE TO PROTECT HEALTH, SAFETY OR WELFARE

Disclosure to protect health, safety or welfare

158d.—(1) The Registrar may disclose identifying or non-identifying information that relates to an adoption to any person if, in the Registrar's opinion, the health, safety or welfare of that person or of any other person requires the disclosure.

Application of subs.(1)

(2) Subsection (1) applies whether the adoption order was made in Ontario or elsewhere.

Further disclosure

(3) A person who receives information under this section in the course of his or her professional or official duties may disclose it further only for the purpose of protecting a person's health, safety or welfare.

Idem

(4) A person who receives information under this section otherwise than as described in subsection (3) may disclose it to any person.

SEARCHES

Request for search by Registrar

158e.—(1) An adopted person who has attained the age of eighteen years may ask the Registrar to search on his or her behalf for a specific person in one of the following categories:

1. A person whose consent to the adoption was required under clause 131 (2) (a) or a predecessor of that provision and was given or was dispensed with.

2. A person who has acknowledged that he is the adopted person's biological father.

3. A parent of a person described in paragraph 1 or 2.

4. A birth sibling of the adopted person who has also attained the age of eighteen years.

Idem, member of prescribed class

(2) A person who is a member of a prescribed class may ask the Registrar to search on his or her behalf for a specific adopted person who has attained the age of eighteen years.

Duty of Registrar

(3) The Registrar shall have a discreet and reasonable search made for the person mentioned in the request, and

shall seek to ascertain whether that person wishes to be named in the register.

Exception re disclosure

(4) If the Registrar discovers that the person mentioned in the request has died or appears to lack capacity as defined in clause 4 (1) (a), or if the person cannot be found despite a discreet and reasonable search that has continued for at least six months, the Registrar may disclose information to the person who made the request, in accordance with section 158c, as if both persons were named in the register.

PERSONS ADOPTED OUTSIDE ONTARIO

Definitions

158f.—(1) In this section,

"adopted person" means a person who was adopted outside Ontario;

"birth parent" means an adopted person's biological mother or father, or a person whose consent to another person's adoption was given or dispensed with;

"birth grandparent" means any parent of a birth parent;

"birth sibling" means a child of the same birth parent as an adopted person, and includes the birth parent's adopted child and a person whom the birth parent has demonstrated a settled intention to treat as a child of his or her family;

"out of province adoption" means an adoption where the adoption order was made outside Ontario.

Who may request non-identifying information

(2) Each of the following persons may make a request to the Registrar for non-identifying information that relates to an out of province adoption:

1. The adopted person, if he or she has attained the age of eighteen years or has the written consent of an adoptive parent.

2. An adoptive parent.

3. A birth parent or birth grandparent.

4. A birth sibling who has attained the age of eighteen years.

5. Any other person if, in the opinion of the Registrar or local director, it is desirable that the person

receive non-identifying information as if he or she were a birth parent.

Disclosure of information

(3) When a person makes a request under subsection (2), the Registrar shall disclose to the person all the relevant non-identifying information in the Ministry's possession that relates to the adoption.

Counselling

(4) When the Registrar discloses information under subsection (3), he or she shall also ensure that counselling is made available to the person receiving the information, to the extent that it is feasible to do so.

Societies and licensees

(5) Subsections (2), (3) and (4) also apply with necessary modifications to societies and licensees.

Disclosure of identifying information to agency outside Ontario

(6) If identifying information that relates to an out of province adoption is kept by the Ministry or by a society, the Registrar may provide the information to a child protection or child placement agency that is recognized in another jurisdiction, for disclosure in accordance with the laws of that jurisdiction.

Further disclosure

(7) A person who receives information under this section may disclose it to any person.

REFUSAL OF INFORMATION

Refusal to disclose non-identifying information

158g.—(1) The disclosure of non-identifying information that a person would otherwise be entitled to receive under section 158b or 158f may be refused,

(a) by the Registrar if, in his or her opinion, the disclosure might result in serious physical or emotional harm to any person;

(b) by a society if, in the local director's opinion, the disclosure might result in serious physical or emotional harm to any person;

(c) by a licensee if, in the Registrar's opinion, the disclosure might result in serious physical or emotional harm to any person.

Refusal to disclose identifying information

(2) The disclosure of identifying information that a person would otherwise be entitled to receive under section 158c may be refused by the Registrar or by a society if, in the Registrar's opinion, the disclosure might result in serious physical or emotional harm to any person.

Notice of refusal

(3) When the disclosure of information is refused under this section, the Registrar or local director, as the case may be, shall promptly give the person seeking the information notice of the refusal, the reason for it and the person's right to a review under section 158h.

REVIEW

Review by Child and Family Services Review Board

158h.—(1) A person who is refused information in accordance with section 158g may, within twenty days of receiving notice of the decision, request that the Board review the matter.

Duty of Board

(2) The Board shall conduct a review with respect to the request, following the prescribed procedures.

Hearings

(3) Unless the parties to a review agree otherwise, the Board shall hold a hearing.

Parties

(4) The parties to a review are,

(a) the person who requested the review;

(b) the person who gave notice of the decision to withhold the information.

Registrar to be added

(5) At any stage in a review, the Board shall add the Registrar as a party on his or her request.

Information need not be disclosed in course of review

(6) The Board may examine the information without disclosing it to the person who requested the review.

Idem, evidence and submissions

(7) The Board may receive any evidence and submissions without disclosing them to the person who requested the review, and when the Board holds a hearing it may hear any part of the evidence and submissions in that person's absence.

Lawyer or agent not to be excluded

(8) When the Board acts under subsection (6) or (7), the lawyer or agent of the person who requested the review is nevertheless entitled to examine the information and to be present, to cross-examine witnesses and to make submissions, or to examine the evidence and submissions and respond to them, as the case may be, on condition that the lawyer or agent undertakes not to reveal the information, evidence and submissions to his or her client.

Time for decision

(9) The Board shall complete its review and make a decision within ninety days of receiving notice of the request, unless the parties consent to a longer period.

Board's decision

(10) After conducting a review, the Board may make an order requiring the Registrar, society or licensee, as the case may be, to disclose all or part of the information to the person, or may make an order confirming the refusal.

Conditions

(11) The Board may include conditions in its order.

Written decision with reasons

(12) Whether the Board holds a hearing or not, it shall give its decision in writing, with reasons.

INFORMATION IN COURT FILE

Application

158i.—(1) This section applies to court proceedings that relate to decisions made by the Board under section 158h or by the Registrar, local directors or licensees under sections 158a, 158b, 158c, 158d, 158e, 158f and 158g.

Examination of identifying information in court file

(2) Unless the court orders otherwise, only the court may examine identifying information that is in the court file and comes from the records of the Ministry or of a society or licensee.

Disclosure of information

(3) No person shall, without the court's permission, disclose identifying information described in subsection (2) that he or she obtained from the court file.

FEES AND EXPENSES

Fees and expenses

158j. The Registrar, societies and licensees may charge the prescribed fees for services provided under clause 158a (2) (g) and sections 158b, 158c, 158e and 158f, and may charge up to the prescribed amounts for expenses incurred in providing services under sections 158b, 158c, 158e and 158f.

8. Clause 159 (f) of the said Act is amended by striking out "adopting" in the second line and inserting in lieu thereof "adoptive".

9. Clause 163 (2) (d) of the said Act is repealed and the following substituted therefor:

(d) in the adoption disclosure register maintained under clause 157 (2) (a) of Part VII.

10.—(1) The title preceding section 190 of the said Act is repealed and the following substituted therefor:

CHILD AND FAMILY SERVICES REVIEW BOARD

(2) Subsection 190 (1) of the said Act is repealed and the following substituted therefor:

(1) The Board known as the "Children's Services Review Board" is continued under the name "Child and Family Services Review Board". Child and Family Services Review Board

(1a) The Board is composed of the prescribed number of members appointed by the Lieutenant Governor in Council and has the powers and duties given to it by this Act and the regulations. Idem

11.—(1) Clause 203 (e) of the said Act is repealed and the following substituted therefor:

(e) further defining "identifying information" and "non-identifying information" for the purposes of sections 157 to 158j;

(ea) prescribing classes of persons for the purposes of paragraph 5 of subsection 158b (4) (persons who may request non-identifying information);

(eb) prescribing classes of persons for the purposes of subsection 158e (2) (search by Registrar);

(ec) prescribing additional powers, duties and procedures for the Board under section 158h;

(ed) prescribing fees and amounts for the purposes of section 158j.

(2) Section 203 of the said Act is amended by adding thereto the following subsection:

(2) Regulations made under clause (1) (ed) may prescribe different fees and amounts for the Registrar, for societies and for licensees. Idem

12. Clause 1 (c) of the *Day Nurseries Act*, being chapter 111 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1984, chapter 55, section 215, is repealed and the following substituted therefor:

(c) "Board" means the Child and Family Services Review Board continued under Part IX (Licensing) of the *Child and Family Services Act, 1984*. 1984, c. 55

13.—(1) The *Vital Statistics Act*, being chapter 524 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

Extract of information to be provided to Registrar of Adoption Information

24a. Although an adopted person's original birth registration has been sealed pursuant to subsection 24 (2), the Registrar General shall, at the request of the Registrar of Adoption Information appointed under the *Child and Family Services Act, 1984*, provide the Registrar with the prescribed information from the original birth registration.

1984, c. 55

(2) Section 55 of the said Act, as amended by the Statutes of Ontario, 1986, chapter 9, section 17, is further amended by adding thereto the following clause:

(v) prescribing information for the purposes of section 24a (extract of information to be provided to Registrar of Adoption Information).

Commencement

14. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

15. The short title of this Act is the *Adoption Disclosure Statute Law Amendment Act, 1987*.

CHAPTER 5

An Act to amend the Election Finances Act, 1986

Assented to February 3rd, 1987

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The definition of "campaign expense" in subsection 1 (1) of the *Election Finances Act, 1986*, being chapter 33, is amended,

(a) by inserting after "incurred" in the first line "for goods or services" and by inserting after "Act" in the third line "for use in whole or in part";

(b) by striking out "and" at the end of clause (i), by adding "and" at the end of clause (j) and by adding thereto the following clause:

(k) child care expenses of a candidate and other expenses not of partisan value that are set out in guidelines provided by the Commission under clause 4 (1) (j),

. . . . .

(c) by striking out "but shall be deemed to include the value of any goods held in inventory for any candidate for use during a campaign period" in the twenty-third, twenty-fourth and twenty-fifth lines and inserting in lieu thereof "but shall be deemed to include the value of any goods held in inventory or any fees or expenses for services for any candidate or political party, and any contribution of goods and services to the political party, constituency association or candidate registered under this Act, for use in whole or in part during the period commencing with the issue of the writ for an election and terminating on polling day".

2.—(1) Clause 4 (1) (k) of the said Act is amended by inserting after "income" in the second line "campaign" and by inserting after "and" in the third line "campaign".

(2) Section 4 of the said Act is amended by adding thereto the following subsections:

Publication of guidelines by Commission

(4) The Commission shall publish in *The Ontario Gazette* all guidelines provided by the Commission under clause (1) (j).

Application of guidelines

(5) The provisions of this Act respecting contributions or campaign expenses shall be applied in conformity with guidelines in respect thereof provided by the Commission under clause (1) (j).

3. Section 14 of the said Act is amended by adding thereto the following subsection:

Variation of register

(7) Where any of the information referred to in clauses (3) (b) to (h) is altered, the candidate shall forthwith notify in writing the Commission of any such alteration, and upon receipt of any such notice, the Commission shall vary the register of candidates accordingly.

4. Section 15 of the said Act is amended by adding thereto the following subsection:

Variation of register

(6) Where any of the information referred to in clauses (3) (b) to (f) is altered, the leadership contestant shall forthwith notify in writing the Commission of such alteration, and upon receipt of any such notice, the Commission shall vary the register of leadership contestants accordingly.

5. Subsection 23 (5) of the said Act is repealed and the following substituted therefor:

Reference to person, etc., authorizing advertising

(5) All political printed advertising, handbills, placards, posters and broadcast or telecast advertisements shall bear or make reference to the name of the registered constituency association, registered political party, person, corporation or trade union authorizing the political advertising.

Commencement

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. The short title of this Act is the *Election Finances Amendment Act, 1987*.

CHAPTER 6

An Act to revise the Surveyors Act

Assented to February 12th, 1987

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Definitions

"Association" means Association of Ontario Land Surveyors;

"by-laws" means by-laws made under this Act;

"certificate of authorization" means certificate of authorization issued under this Act to provide to the public services that are part of the practice of cadastral surveying;

"certificate of registration" means certificate of registration issued under this Act authorizing the holder to hold himself out as a member of the Association;

"Council" means Council of the Association;

"graphic representation" means a representation produced by an electrical, electronic, photographic or printing method and includes a representation produced on a video display terminal;

"licence" means licence issued under this Act to engage in the practice of cadastral surveying;

"licensed", in relation to a person, means the person is the holder of a licence;

"Minister" means the Minister of Natural Resources or such other member of the Executive Council as is designated by the Lieutenant Governor in Council;

"practice of cadastral surveying" means advising on, reporting on, conducting or supervising the conducting of surveys to establish, locate, define or describe lines, boundaries or corners of parcels of land or land covered with water;

"practice of professional land surveying" means the determination of natural and man-made features of the surface of the earth and the storage and representation of such features on a chart, map, plan or graphic representation, and includes the practice of cadastral surveying;

"Registrar" means Registrar of the Association;

"regulations" means regulations made under this Act.

Association

2.—(1) The Association of Ontario Land Surveyors, a body corporate, is continued as a corporation without share capital.

Principal object

(2) The principal object of the Association is to regulate the practice of professional land surveying and to govern its members and holders of certificates of authorization in accordance with this Act, the regulations and the by-laws in order that the public interest may be served and protected.

(3) For the purpose of carrying out its principal object, the Association has the following additional objects: Additional objects

1. To establish, maintain and develop standards of knowledge and skill among its members.

2. To establish, maintain and develop standards of qualification and practice for the practice of professional land surveying.

3. To establish, maintain and develop standards of professional ethics among its members.

4. To promote public awareness of the role of the Association.

5. To perform such other duties and exercise such other powers as are imposed or conferred on the Association by or under any Act.

3.—(1) The Council of the Association is continued and shall be the governing body and board of directors of the Association and shall manage and administer its affairs. Council

(2) The Council shall be composed of, Composition of Council

(a) six persons who are members of the Association and who are elected by the members of the Association as provided by the regulations;

(b) the president and the vice-president, each of whom shall be elected annually by and from among the members of the Association as provided by the regulations;

(c) the immediate past president;

(d) the Surveyor General;

(e) two persons who are not members of the governing body of a self-regulating licensing body under any other Act or licensed under this Act and who are appointed by the Lieutenant Governor in Council; and

(f) one person who is not licensed under this Act and who is a barrister and solicitor of at least ten years standing in Ontario and who is appointed by the Lieutenant Governor in Council.

Term of appointed member

(3) A person appointed under clause (2) (e) or (f) shall be appointed for a term of not more than three years.

Reappointment

(4) A person appointed under clause (2) (e) or (f) may be reappointed for one or more terms of not more than three years each.

Remuneration of appointed member

(5) A person appointed under clause (2) (e) or (f) shall be paid, out of the moneys appropriated therefor by the Legislature, such expenses and remuneration as are determined by the Lieutenant Governor in Council.

Idem

(6) No person shall be elected or appointed to the Council unless he or she is a Canadian citizen.

Qualifications to vote

(7) Every member of the Association who is not in default of payment of the annual fee prescribed by the by-laws is qualified to vote at an election of members of the Council.

Registrar and staff

(8) The Council shall appoint during pleasure a Registrar and may appoint one or more deputy registrars who shall have the powers of the Registrar for the purposes of this Act, and may appoint such other persons as are from time to time necessary or desirable in the opinion of the Council to perform the work of the Association.

Quorum

(9) A majority of the members of the Council constitutes a quorum.

Vacancies

(10) Where one or more vacancies occur in the membership of the Council, the members remaining in office constitute the Council so long as their number is not fewer than a quorum.

Filling of vacancy

(11) A vacancy on the Council caused by the death, resignation, removal or incapacity to act of an elected member of the Council shall be filled by a member of the Association,

(a) where a quorum of the Council remains in office, appointed by the majority of the Council, and the member so appointed shall be deemed to be an elected member of the Council; or

(b) where no quorum of the Council remains in office, elected in accordance with the regulations,

and the member so appointed or elected shall hold office for the unexpired portion of the term of office of the member whose office he or she is elected or appointed to fill.

Meetings of Council

(12) The Council shall meet at least four times a year.

Continuation of Council members

(13) The members of the Council of The Association of Ontario Land Surveyors who were elected or appointed and in office immediately before this Act comes into force shall continue in office and shall be deemed to be elected or appointed, as the case requires, under subsection (2) until the expiration of the term for which they were elected or appointed or until the office otherwise becomes vacant.

Annual meetings

4. The Association shall hold an annual meeting of the members of the Association not more than fifteen months after the holding of the last preceding annual meeting.

Membership

5.—(1) Every person licensed by the Association is a member of the Association, subject to any term, condition or limitation to which the licence is subject.

Idem

(2) Every person who is the holder of a certificate of registration is a member of the Association subject to any term, condition or limitation to which the certificate of registration is subject.

Resignation of membership

(3) A member may resign his or her membership by filing with the Registrar a resignation in writing, and the member's licence or certificate of registration is thereupon cancelled, subject to the continuing jurisdiction of the Association in respect of any disciplinary action arising out of his or her professional conduct while a member.

Powers of Minister

6. In addition to his or her other powers and duties under this Act, the Minister may,

(a) review the activities of the Council;

(b) request the Council to undertake activities that, in the opinion of the Minister, are necessary and advisable to carry out the intent of this Act;

(c) advise the Council with respect to the implementation of this Act and the regulations and with respect to the methods used or proposed to be used by the Council to implement policies and to enforce its regulations and procedures.

Regulations

7.—(1) Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations,

1. defining constituencies and prescribing the number of representatives on the Council of each constituency;

2. respecting and governing the qualifications, nomination, election and term or terms of office of the members to be elected to the Council, and controverted elections;

3. prescribing the conditions disqualifying elected members from sitting on the Council and governing the filling of vacancies on the Council;

4. respecting the composition of the committees required by this Act, other than the Complaints Committee and the Discipline Committee, the mechanism of the appointment of members of the committees and procedures ancillary to those specified in this Act in respect of any committee;

5. respecting matters of practice and procedure before committees required under this Act not inconsistent with this Act and the *Statutory Powers Procedure Act*;

R.S.O. 1980, c. 484

6. prescribing the quorums of the committees required by this Act, except the Complaints Committee and the Discipline Committee;

7. prescribing classes of persons whose interests are related to those of the Association and the privileges of persons in the classes in relation to the Association;

8. respecting any matter ancillary to the provisions of this Act with regard to the issuing, suspension and revocation of licences, certificates of authorization and certificates of registration, and the requirements and qualifications therefor, including but not limited to regulations respecting,

   i. the scope, standards and conduct of any examination set or approved by the Council as a licensing requirement or as a requirement for a certificate of registration,

   ii. the curricula and standards of professional training programs offered by the Council,

   iii. the academic, experience and other requirements for admission into professional training programs,

iv. the academic and experience requirements for the issuance of a licence, and

v. the academic and experience requirements for the issuance of a certificate of registration;

9. prescribing terms and conditions of licences, certificates of authorization or certificates of registration;

10. prescribing forms of applications for licences, certificates of authorization and certificates of registration and requiring their use;

11. for the purposes of section 14, prescribing a proportion greater than 70 per cent of the shares of corporations that engage in the business of providing services that are within the practice of cadastral surveying;

12. requiring the making of returns of information in respect of the holdings of shares and the officers and directors of corporations that apply for or hold certificates of authorization, and prescribing and requiring the use of forms of such returns;

13. requiring and governing the signing and sealing of documents and drawings by members of the Association or by members entered on a specific register of the Association, specifying the forms of seals and respecting the issuance and ownership of seals;

14. requiring the making of returns of information by members of the Association and holders of certificates of authorization in respect of names, addresses, telephone numbers, associates, partners, employees, directors, officers and shareholdings, and, if the corporation engages in the practice of cadastral surveying, the name of the member of the Association who directs the practice of cadastral surveying by the corporation, and in respect of professional liability insurance, and prescribing and requiring the use of forms of such returns;

15. governing the use of names and designations in the practice of professional land surveying by members of the Association and holders of certificates of authorization;

16. providing for the maintenance and inspection of registers of persons permitted to engage in the practice of professional land surveying;

17. prescribing and governing standards of practice and performance standards for the practice of professional land surveying;

18. providing for the setting of schedules of suggested fees for the practice of professional land surveying and for the publication of the schedules;

19. respecting the advertising of the practice of professional land surveying;

20. prescribing a code of ethics;

21. defining professional misconduct for the purposes of this Act;

22. providing for the designation of members of the Association as specialists, prescribing the qualifications and requirements for designation as a specialist, providing for the suspension or revocation of such a designation and for the regulation and prohibition of the use of the designation by members of the Association;

23. providing for inspection programs related to the practice of professional land surveying, including programs for the inspection of records, other than financial records, of members of the Association and holders of certificates of authorization;

24. providing for the compilation of statistical data on the supply, distribution and professional activities of members of the Association and holders of certificates of authorization and on remuneration for the practice of professional land surveying and requiring members of the Association and holders of certificates of authorization to provide the information necessary to compile such statistics, but persons engaged in the administration of this Act shall maintain secret the names of persons providing the information as a matter that comes to their knowledge in the course of their duties under this Act;

25. requiring members of the Association or holders of certificates of authorization, or both of them, to obtain and to maintain insurance against liability

that may be incurred in the practice of professional land surveying, respecting the terms and conditions and prescribing the minimum amounts of such insurance, requiring such members and holders to provide to the Registrar proof of the insurance coverage, and respecting the form of the proof and the times when the proof shall be provided;

26. exempting any class of members or holders of certificates of authorization from the requirement to be insured in respect of professional liability, and classifying members or holders of certificates of authorization for the purpose of such exemption;

27. requiring members of the Association or holders of certificates of authorization, or both, to inform the Registrar in respect of claims or impending claims against them for professional liability;

28. prohibiting or regulating the practice of professional land surveying where there is a conflict of interest and defining the activities that constitute a conflict of interest for the purpose;

29. providing for a program of continuing education of members of the Association;

30. respecting the duties and authority of the Registrar;

31. prescribing qualifications and requirements that shall be complied with to obtain the reinstatement of a licence, certificate of registration or a certificate of authorization that was cancelled by the Registrar;

32. classifying and exempting any class of holders of licences, certificates of registration or certificates of authorization from any provision of the regulations under such special circumstances in the public interest as the Council considers advisable;

33. prescribing any matter referred to in this Act as prescribed by the regulations.

Confirmation by members

(2) The Council shall not request that the Lieutenant Governor in Council approve a regulation made by the Council until the regulation is confirmed by the members of the Association.

Voting

(3) The members of the Association may confirm a regulation by a majority of those voting,

(a) at an annual meeting;

(b) at a general meeting of the Association called for the purpose; or

(c) by means of a vote conducted by mail.

Distribution of regulations

(4) A copy of each regulation made under subsection (1),

(a) shall be forwarded to each member of the Association and to each holder of a certificate of authorization; and

(b) shall be available for public inspection in the office of the Association.

Regulations by Lieutenant Governor in Council

(5) Where the Minister requests in writing that the Council make, amend or revoke a regulation under subsection (1) and the Council has failed to do so within sixty days after the request, the Lieutenant Governor in Council may make the regulation, amendment or revocation specified in the request.

Idem, distribution

(6) Where the Lieutenant Governor in Council makes, amends or revokes a regulation under subsection (5), the Minister shall transmit a copy of the regulation, amendment or revocation to the Council and the Council shall cause the regulation, amendment or revocation to be distributed and to be made available in the same manner as a regulation made under subsection (1).

By-laws

8.—(1) The Council may pass by-laws relating to the administrative and domestic affairs of the Association not inconsistent with this Act and the regulations and, without limiting the generality of the foregoing,

1. prescribing the seal of the Association;

2. providing for the execution of documents by the Association;

3. respecting banking and finance;

4. fixing the financial year of the Association and providing for the audit of the accounts and transactions of the Association;

5. respecting the calling, holding and conducting of meetings of the Council and the duties of members of the Council;

6. providing for meetings of the Council and committees, except in a proceeding in respect of a licence or a certificate of authorization or a certificate of registration, by means of conference telephone or other communications equipment by means of which all persons participating in the meeting can hear each other, and a member of the Council or committee participating in a meeting in accordance with such by-law shall be deemed to be present in person at the meeting;

7. providing that the Council or a committee may act upon a resolution consented to by the signatures of all members of the Council or the committee except in a proceeding in respect of a licence or a certificate of authorization or a certificate of registration, and a resolution so consented to in accordance with such a by-law is as valid and effective as if passed at a meeting of the Council or the committee duly called, constituted and held for that purpose;

8. respecting the calling, holding and conducting of meetings of the membership of the Association;

9. prescribing the remuneration of the members of the Council and committees, other than persons appointed by the Lieutenant Governor in Council, and providing for the payment of necessary expenses of the Council and committees in the conduct of their business;

10. delegating to the Executive Committee such powers and duties of the Council as are set out in the by-law, other than the power to make, amend or revoke regulations and by-laws;

11. prescribing the positions and qualifications of officers of the Association, providing procedures for their selection and the filling of vacancies in the offices of the Association, and prescribing the duties of officers of the Association;

12. providing for the appointment of inspectors for the purposes of this Act;

13. prescribing forms and providing for their use;

14. providing procedures for the making, amending and revoking of the by-laws;

15. respecting management of the property of the Association;

16. providing for the appointment, composition, powers and duties of additional or special committees;

17. respecting the application of the funds of the Association and the investment and reinvestment of any of its funds not immediately required, and for the safekeeping of its securities;

18. respecting the borrowing of money by the Association and the giving of security therefor;

19. respecting membership of the Association in other organizations, the payment of annual assessments and provision for representatives at meetings;

20. authorizing the making of grants for any purpose that may tend to advance knowledge of professional land surveying education, or maintain or improve the standards of practice in professional land surveying or support and encourage public information and interest in the role of professional land surveying in society;

21. respecting scholarships, bursaries and prizes related to the study of professional land surveying;

22. prescribing the amounts of and requiring the payment of annual fees by members of the Association and holders of certificates of authorization and by students and members of related classes recognized by the Association, and fees for licensing, certification, registration, examinations and continuing education, including penalties for late payment, fees in respect of the Association's quality control program for plans of survey and fees for anything the Registrar is required or authorized to do, and prescribing the amounts thereof;

23. providing for the entering into of arrangements by the Association for its members and holders of certificates of authorization respecting indemnity for professional liability and requiring the payment and remittance of premiums in connection therewith and prescribing levies to be paid by members of the

Association and holders of certificates of authorization in respect of professional liability;

24. respecting the Compensation Fund and prescribing the amount of the levy to be paid to the Association for the Fund and exempting any class of members from all or any part of such levy;

25. providing for the payment to the Association by any member of the cost of any investigation or audit of the member's books, records, accounts and transactions;

26. providing for the establishment of group insurance plans, other than for professional liability, in which members of the Association may participate on a voluntary basis;

27. regarding such other matters as are entailed in carrying on the business of the Association and are not included in section 7.

Confirmation by members

(2) A by-law passed by the Council is not effective until confirmed by the members of the Association.

Voting

(3) The members of the Association may confirm a by-law by a majority of those voting,

(a) at an annual meeting;

(b) at a general meeting of the Association called for the purpose; or

(c) by means of a vote conducted by mail.

Distribution of by-laws

(4) A copy of the by-laws made under subsection (1) and amendments thereto,

(a) shall be forwarded to the Minister;

(b) shall be forwarded to each member; and

(c) shall be available for public inspection in the office of the Association.

Committees

9.—(1) The Council shall establish and appoint as provided in this Act the following committees:

(a) Executive Committee;

(b) Academic and Experience Requirements Committee;

(c) Registration Committee;

(d) Complaints Committee;

(e) Discipline Committee;

(f) Fees Mediation Committee,

and may establish such other committees as the Council from time to time considers necessary.

Vacancies

(2) Where one or more vacancies occur in the membership of a committee, the members remaining in office constitute the committee so long as their number is not fewer than a quorum of the committee.

Executive Committee

10.—(1) The Council may delegate to the Executive Committee the authority to exercise any power or perform any duty of the Council, other than to make, amend or revoke a regulation or a by-law.

Urgent matters

(2) Subject to ratification by the Council at its next ensuing meeting, the Executive Committee may take action upon any other matter that requires immediate attention between meetings of the Council, other than to make, amend or revoke a regulation or a by-law.

Cadastral surveying, licence required

11.—(1) No person shall engage in the practice of cadastral surveying or hold himself or herself out as engaging in the practice of cadastral surveying unless licensed under this Act.

Certificate of authorization

(2) No person shall provide to a member of the public a service that is part of the practice of cadastral surveying except under and in accordance with a certificate of authorization.

Proof of practice

(3) For the purposes of subsections (1) and (2), proof of the performance of one act in the practice of cadastral surveying on one occasion is sufficient to establish engaging in the practice of cadastral surveying.

Certificate of registration

(4) No person shall hold himself or herself out as the holder of a certificate of registration unless such person is the holder of a certificate of registration issued under this Act.

Issuance of licence

12.—(1) The Registrar shall issue a licence to a natural person who applies therefor in accordance with the regulations and,

(a) is a citizen of Canada or has the status of a permanent resident of Canada;

(b) is not less than eighteen years of age;

(c) has complied with the academic requirements specified in the regulations for the issuance of the licence and has passed such examinations as the Council has set or approved in accordance with the regulations or is exempted therefrom by the Council;

(d) has complied with the experience requirements specified in the regulations for the issuance of the licence; and

(e) is of good character.

Grounds for refusal to issue licence

(2) The Registrar may refuse to issue a licence to an applicant where the Registrar is of the opinion, upon reasonable and probable grounds, that the past conduct of the applicant affords grounds for belief that the applicant will not engage in the practice of cadastral surveying in accordance with the law and with honesty and integrity.

Referral to Committee on Academic and Experience Requirements

(3) The Registrar, on his or her own initiative, may refer and on the request of an applicant shall refer the application of the applicant for the issuance of a licence to the Academic and Experience Requirements Committee for a determination as to whether or not the applicant has met the academic requirements or the experience requirements or both prescribed by the regulations for the issuance of the licence.

Direction by Committee

(4) The Committee may direct the Registrar to issue a licence subject to such conditions in respect of completion by the applicant of such academic requirements or experience requirements as are specified by the Committee.

Determination by Committee

(5) A determination or direction by the Committee under subsection (3) or (4) is final and is binding on the Registrar and on the applicant.

Hearing

(6) The Committee shall receive written submissions from an applicant but is not required to hold or to afford to any person a hearing or an opportunity to make oral submissions before making a determination under subsection (3).

Notice of determination or direction

(7) The Registrar shall give notice to the applicant of a determination or direction by the Committee under subsection (3) or (4) and, if the applicant is rejected, the notice shall detail the specific requirements that the applicant must meet.

Corporation

13. A corporation that holds a certificate of authorization may provide services that are within the practice of cadastral surveying.

Issuance of certificate of authorization

14.—(1) The Registrar shall issue a certificate of authorization to a licensed member of the Association who applies therefor in accordance with the regulations and who meets the requirements and qualifications prescribed by the regulations for the issuance of the certificate of authorization.

Issuance of certificate of authorization to corporation

(2) The Registrar shall issue a certificate of authorization to a corporation that applies therefor in accordance with the regulations and meets the following requirements:

1. The primary function of the corporation must be to engage in the business of providing services that are within the practice of cadastral surveying.

2. At least one director or full-time employee of the corporation must be a licensed member of the Association who holds a certificate of authorization and who agrees to personally supervise and direct the practice of cadastral surveying for the corporation.

3. Not less than 70 per cent of each class of shares of the corporation must be owned by and registered in the name of one or more licensed members of the Association.

Issuance of certificate of authorization

(3) The Registrar shall issue a certificate of authorization to a partnership of licensed members of the Association that applies therefor in accordance with the regulations and that proposes to engage in the practice of cadastral surveying.

Partnership of corporations

(4) The Registrar shall issue a certificate of authorization to a partnership of corporations that applies therefor in accordance with the regulations.

Past conduct

(5) The Registrar may refuse to issue or may suspend or revoke a certificate of authorization where,

(a) the Registrar is of the opinion, upon reasonable and probable grounds, that the past conduct of the applicant for or the holder of the certificate of authorization or the past conduct of a person who is in a position of authority or responsibility in the operation of the business of the applicant for or the holder of the certificate of authorization affords grounds for the belief that the applicant or holder will not engage in the business of providing services

that are within the practice of cadastral surveying in accordance with the law and with honesty and integrity; or

(b) the holder of the certificate of authorization does not meet the requirements or the qualifications for the issuance of the certificate of authorization set out in the regulations; or

(c) there is a breach of a condition of the certificate of authorization.

Refusal or revocation

(6) The Registrar may refuse to issue a certificate of authorization to a licensed member of the Association or may revoke a certificate of authorization held by a licensed member of the Association where the Registrar is of the opinion, upon reasonable and probable grounds, that the member has not engaged in the practice of cadastral surveying during the period of five years preceding the date of the refusal or revocation.

Supervision by Ontario land surveyor

15.—(1) A natural person, a partnership or a corporation that engages in the business of providing services that are within the practice of cadastral surveying under the authority of a certificate of authorization shall provide the services only under the personal supervision and direction of a licensed member of the Association.

Professional responsibility of supervising Ontario land surveyor

(2) A member of the Association who personally supervises and directs the providing of services within the practice of cadastral surveying by a holder of a certificate of authorization or who assumes responsibility for and supervises the practice of cadastral surveying related to the providing of services by a holder of a certificate of authorization is subject to the same standards of professional conduct and competence in respect of the services and the related practice of cadastral surveying as if the services were provided or the practice of cadastral surveying was engaged in by the member of the Association.

Certificate of registration

16.—(1) The Registrar shall issue a certificate of registration in a branch of professional land surveying to an applicant therefor who meets the requirements and qualifications prescribed by the regulations in relation to the branch.

Idem

(2) Subsection (1) applies in respect of professional land surveying in the branches of photogrammetry, geodesy and hydrography and such other branches as are prescribed by the regulations but does not apply in respect of cadastral surveying.

Hearing by Registration Committee

17.—(1) Where the Registrar proposes,

(a) to refuse an application for a licence, a certificate of authorization or a certificate of registration;

(b) to revoke a certificate of authorization; or

(c) to issue a licence, a certificate of authorization or a certificate of registration subject to terms, conditions or limitations,

the Registrar shall serve notice of the proposal, together with written reasons therefor, on the applicant.

Exceptions

(2) Subsection (1) does not apply in respect of a refusal to issue a licence or a certificate of registration to a person who was previously licensed or who previously held a certificate of registration and whose licence or certificate of registration was suspended or revoked as a result of a decision of the Discipline Committee.

Idem

(3) Subsection (1) does not apply in respect of a refusal to issue a certificate of authorization to a person or a partnership that previously held a certificate of authorization and whose certificate of authorization was suspended or revoked as a result of a decision of the Discipline Committee.

Notice

(4) A notice under subsection (1) shall state that the applicant is entitled to a hearing by the Registration Committee if the applicant delivers, within thirty days after the notice under subsection (1) is served on the applicant, notice in writing requiring a hearing by the Registration Committee, and the applicant may so require such a hearing.

Power of Registrar where no hearing

(5) Where the applicant does not require a hearing by the Registration Committee in accordance with subsection (4), the Registrar may carry out the proposal stated in the notice under subsection (1).

Hearing by Registration Committee

(6) Where an applicant requires a hearing by the Registration Committee in accordance with subsection (1), the Registration Committee shall appoint a time for, give notice of and shall hold the hearing.

Disability of member

(7) Where the Registration Committee commences a hearing and a member of the Registration Committee becomes unable to act, the remaining members may complete the hearing notwithstanding the absence of the member who is unable to act.

Continuation on expiry of Committee membership

(8) Where a proceeding is commenced before the Registration Committee and the term of office on the Council or on the Committee of a member sitting for the hearing expires or is terminated other than for cause before the proceeding is disposed of but after evidence is heard, the member shall be deemed to remain a member of the Registration Committee for the purpose of completing the disposition of the proceeding in the same manner as if the term of office had not expired or been terminated.

Powers of Registration Committee re licences

(9) Following a hearing under this section in respect of a proposal by the Registrar in relation to a licence, the Registration Committee by order may,

(a) where the Committee is of the opinion upon reasonable grounds that the applicant meets the requirements and qualifications of this Act and the regulations and will engage in the practice of cadastral surveying with competence and integrity, direct the Registrar to issue a licence to the applicant;

(b) where the Committee is of the opinion upon reasonable grounds that the applicant does not meet the requirements and qualifications of this Act and the regulations,

(i) direct the Registrar to refuse to issue a licence to the applicant, or

(ii) where the committee is of the opinion upon reasonable grounds that the applicant will engage in the practice of cadastral surveying with competence and integrity, exempt the applicant from any of the requirements and qualifications of this Act and the regulations and direct the Registrar to issue a licence; or

(c) where the Committee is of the opinion upon reasonable grounds that it is necessary in order to ensure that the applicant will engage in the practice of cadastral surveying with competence and integrity,

(i) require the applicant to take and successfully complete such examinations as the Registration Committee may set or approve and to pay such fees therefor as the Registration Committee fixes,

(ii) require the applicant to take such additional training as the Registration Committee specifies, or

(iii) direct the Registrar to issue a licence subject to such terms, conditions and limitations as the Registration Committee specifies.

Powers of Registration Committee re certificates of authorization

(10) Following a hearing under this section in respect of a proposal by the Registrar in relation to a certificate of authorization, the Registration Committee by order may,

(a) where the Committee is of the opinion upon reasonable grounds that the applicant meets the requirements and qualifications of this Act and the regulations and will engage in the business of providing services that are within the practice of cadastral surveying with competence and integrity, direct the Registrar to issue a certificate of authorization to the applicant or to not revoke the certificate of authorization held by the applicant, as the case requires;

(b) where the Committee is of the opinion upon reasonable grounds that the applicant does not meet the requirements and qualifications of this Act and the regulations,

(i) direct the Registrar to refuse to issue a certificate of authorization to the applicant or to revoke the certificate of authorization held by the applicant, or

(ii) where the Committee is of the opinion upon reasonable grounds that the applicant will engage in the business of providing services that are within the practice of cadastral surveying with competence and integrity, exempt the applicant from any of the requirements and qualifications of this Act and the regulations and direct the Registrar to issue a certificate of authorization to the applicant or to not revoke the certificate of authorization held by the applicant, as the case requires; or

(c) where the Committee is of the opinion upon reasonable grounds that it is necessary in order to ensure that the applicant will engage in the business of providing services that are within the practice of cadastral surveying with competence and integrity, direct

the Registrar to issue a certificate of authorization subject to such terms, conditions and limitations as the Registration Committee specifies.

Powers of Registration Committee re certificates of registration

(11) Following a hearing under this section in respect of a proposal by the Registrar in relation to a certificate of registration, the Registration Committee by order may,

(a) where the Committee is of the opinion upon reasonable grounds that the applicant meets the requirements and qualifications prescribed by the regulations, direct the Registrar to issue a certificate of registration to the applicant or to not revoke the certificate of registration held by the applicant, as the case requires;

(b) where the Committee is of the opinion upon reasonable grounds that the applicant does not meet the requirements and qualifications prescribed by the regulations,

(i) direct the Registrar to refuse to issue a certificate of registration to the applicant or to revoke the certificate of registration held by the applicant, as the case requires, or

(ii) where the Committee is of the opinion upon reasonable grounds that the applicant will engage in the practice of professional surveying with competence and integrity, exempt the applicant from any of the requirements and qualifications prescribed by the regulations and direct the Registrar to issue a certificate of registration to the applicant or to not revoke the certificate of registration held by the applicant, as the case requires; or

(c) where the Committee is of the opinion upon reasonable grounds that it is necessary in order to ensure that the applicant will engage in the practice of professional surveying with competence and integrity, direct the Registrar to issue a certificate of registration to the applicant subject to such terms, conditions and limitations as the Registration Committee specifies.

Extension of time for requiring hearing

(12) The Registration Committee may extend the time for the giving of notice requiring a hearing by an applicant under this section before or after the expiration of such time where it is satisfied that there are apparent grounds for granting

relief to the applicant following upon a hearing and that there are reasonable grounds for applying for the extension, and the Registration Committee may give such directions as it considers proper consequent upon the extension.

Parties

(13) The Registrar and the applicant who has required the hearing are parties to proceedings before the Registration Committee under this section.

Opportunity to show compliance

(14) The applicant shall be given a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements in respect of the licence, the certificate of authorization or the certificate of registration, as the case requires.

Examination of documentary evidence

(15) A party to proceedings under this section shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Members holding hearing not to have taken part in investigation, etc.

(16) Members of the Registration Committee holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his or her representative except upon notice to and opportunity for both parties to participate, but the Registration Committee may seek legal advice from a person who is not counsel in the proceedings and, in such case, the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

Recording of evidence

(17) The oral evidence taken before the Registration Committee at a hearing shall be recorded and, if so required, copies of a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Only members at hearing to participate in decision

(18) No member of the Registration Committee shall participate in a decision of the Registration Committee following upon a hearing unless the member was present throughout the hearing and heard the evidence and argument of the parties.

Release of documentary evidence

(19) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to the person by the Registration Committee within a reasonable time after the matter in issue has been finally determined.

Registers

18.—(1) The Registrar shall maintain registers in which is entered every person who is a member of the Association and every holder of a certificate of authorization.

Notation as to terms, conditions, limitations

(2) The Registrar shall note in the registers the terms, conditions and limitations attached to each licence, certificate of authorization and certificate of registration.

Notation as to revocation, suspension, etc.

(3) The Registrar shall note in the registers every revocation, suspension and cancellation or termination of a licence, certificate of authorization or certificate of registration.

Notation as to other information

(4) The Registrar shall note in the registers such other information as the Registration Committee or the Discipline Committee directs.

Inspection

(5) Any person has the right to inspect during normal business hours the registers maintained by the Registrar.

Copies

(6) The Registrar shall provide to any person, upon payment of a reasonable charge therefor, a copy of any part of the registers maintained by the Registrar.

Continuation of memberships

19.—(1) Every member of the Association under the *Surveyors Act*, being chapter 492 of the Revised Statutes of Ontario, 1980, immediately before this Act comes into force shall be deemed to be licensed in the same manner as if issued a licence under this Act.

Continuation of certificates of authorization

(2) Every certificate of authorization issued under the said Act and in effect immediately before this Act comes into force continues in the same manner as if issued under this Act.

Idem, corporations

(3) Subsection (2) applies in the case of a corporation notwithstanding that the corporation does not comply with the requirement that not less than 70 per cent of each class of shares of the corporation must be owned by and registered in the name of one or more licensed members of the Association, if a majority of each class of shares of the corporation is owned by and registered in the name of one or more members of the Association.

Cancellation for default of fees

20.—(1) The Registrar may cancel a licence, a certificate of authorization or a certificate of registration for non-payment of any fee prescribed by the by-laws after giving the member or the holder of the certificate of authorization at least two months notice of the default and intention to cancel, subject to the continuing jurisdiction of the Association in respect of any disciplinary action arising out of his or her professional conduct while a member or holder.

Reinstatement

(2) A person who was a member or a holder of a certificate of authorization whose licence, certificate of authorization or certificate of registration was cancelled by the Registrar under subsection (1) is entitled to have the licence, certificate of authorization or certificate of registration reinstated upon compliance with the requirements and qualifications prescribed by the regulations.

Complaints Committee

21.—(1) The Complaints Committee shall be composed of,

(a) at least one member of the Council who was elected to the Council;

(b) at least one member of the Council who was appointed to the Council by the Lieutenant Governor in Council; and

(c) such other members of the Association as may be appointed by the Council.

Idem

(2) No person who is a member of the Discipline Committee shall be a member of the Complaints Committee.

Chairman

(3) The Council shall name one member of the Complaints Committee to be chairman.

Quorum

(4) Three members of the Complaints Committee, of whom one shall be a person elected to the Council, constitute a quorum.

Duties of Complaints Committee

22.—(1) The Complaints Committee shall consider and investigate complaints made by members of the public or members of the Association regarding the conduct or actions of any member of the Association but no action shall be taken by the Committee under subsection (2) unless,

(a) a written complaint has been filed with the Registrar and the member whose conduct or actions are being investigated has been notified of the complaint and given at least two weeks in which to submit in writing to the Committee any explanations or representations the member may wish to make concerning the matter; and

(b) the Committee has examined or has made every reasonable effort to examine all records and other documents relating to the complaint.

Idem

(2) The Committee in accordance with the information it receives may,

(a) direct that the matter be referred, in whole or in part, to the Discipline Committee;

(b) direct that the matter not be referred under clause (a); or

(c) take such action as it considers appropriate in the circumstances and that is not inconsistent with this Act or the regulations or by-laws.

Decision and reasons

(3) The Committee shall give its decision in writing to the Registrar for the purposes of subsection (4) and, where the decision is made under clause (2) (b), its reasons therefor.

Notice

(4) The Registrar shall send to the complainant and to the person complained against by prepaid first class mail a copy of the written decision made by the Complaints Committee and its reasons therefor, if any, together with notice advising the complainant of his or her right to apply to the Complaints Review Councillor under section 24.

Hearing

(5) The committee is not required to hold a hearing or to afford to any person an opportunity for a hearing or an opportunity to make oral submissions before making a decision or giving a direction under this section.

Complaints Review Councillor

23.—(1) There shall be a Complaints Review Councillor who shall be appointed by and from among the members of the Council appointed by the Lieutenant Governor in Council.

Idem

(2) The Complaints Review Councillor is not eligible to be a member of the Complaints Committee or the Fees Mediation Committee.

Examination and review by Complaints Review Councillor

(3) The Complaints Review Councillor may examine from time to time the procedures for the treatment of complaints by the Association and, as mentioned in section 24, may review the treatment by the Association of individual complaints.

Complaints Review Councillor not to inquire into merit of complaint

(4) In an examination or review in respect of the Association, the Complaints Review Councillor shall not inquire into the merits of any particular complaint made to the Association.

Discretionary power of Complaints Review Councillor

(5) The Complaints Review Councillor in his or her discretion may decide in a particular case not to make a review or not to continue a review in respect of the Association where,

(a) the review is or would be in respect of the treatment of a complaint that was disposed of by the Association more than twelve months before the matter came to the attention of the Complaints Review Councillor; or

(b) in the opinion of the Complaints Review Councillor,

(i) the application to the Complaints Review Councillor is frivolous or vexatious or is not made in good faith, or

(ii) the person who has made application to the Complaints Review Councillor has not a sufficient personal interest in the subject-matter of the particular complaint.

Notice

(6) Before commencing an examination or review in respect of the Association, the Complaints Review Councillor shall inform the Association of his or her intention to commence the examination or review.

Office accommodation

(7) The Council shall provide to the Complaints Review Councillor such accommodation and support staff in the offices of the Association as are necessary to the performance of the powers and duties of the Complaints Review Councillor.

Privacy

(8) Every examination or review by the Complaints Review Councillor in respect of the Association shall be conducted in private.

Receipt of information

(9) In conducting an examination or review in respect of the Association, the Complaints Review Councillor may hear or obtain information from any person and may make such inquiries as the Complaints Review Councillor thinks fit.

Hearing not required

(10) The Complaints Review Councillor is not required to hold or to afford to any person an opportunity for a hearing in relation to an examination, review or report in respect of the Association.

Duty to furnish information

(11) Every person who is,

(a) a member of the Council;

(b) an officer of the Association;

(c) a member of a committee of the Association; or

(d) an employee of the Association,

shall furnish to the Complaints Review Councillor such information regarding any proceedings or procedures of the Association in respect of the treatment of complaints made to the Association as the Complaints Review Councillor from time to time requires, and shall give the Complaints Review Councillor access to all records, reports, files and other papers and things belonging to or under the control of the Association or any of such persons and that relate to the treatment by the Association of complaints or any particular complaint.

Report by Complaints Review Councillor

(12) The Complaints Review Councillor shall make a report following upon each examination or review by him or her in respect of the Association.

Report following upon examination

(13) Where the report follows upon an examination of the treatment of complaints by the Association, the Complaints Review Councillor shall transmit the report to the Council.

Report following upon review

(14) Where the report follows upon a review as to the treatment of a complaint by the Association, the Complaints Review Councillor shall transmit the report to the Council, to the complainant and to the person complained against.

Report to Minister

(15) The Complaints Review Councillor may transmit a report following upon an examination or review to the Minister where, in the opinion of the Complaints Review Councillor, the report should be brought to the attention of the Minister.

Recommendations

(16) The Complaints Review Councillor may include in a report following upon an examination or review his or her recommendations in respect of the procedures of the Association, either generally or with respect to the treatment of a particular complaint.

Consideration by Council

(17) The Council shall consider each report, and any recommendations included in the report, transmitted to it by the Complaints Review Councillor and shall notify the Complaints Review Councillor of any action it has taken in consequence.

Review by Complaints Review Councillor

24.—(1) Where a complaint respecting a member of the Association or a holder of a certificate of authorization has not been disposed of by the Complaints Committee within ninety days after the complaint is filed with the Registrar,

upon application by the complainant or on his or her own initiative, the Complaints Review Councillor may review the treatment of the complaint by the Complaints Committee.

Application to Complaints Review Councillor

(2) A complainant who is not satisfied with the handling by the Complaints Committee of his or her complaint to the Committee may apply to the Complaints Review Councillor for a review of the treatment of the complaint after the Committee has disposed of the complaint.

Discipline Committee

25.—(1) The Discipline Committee shall be composed of,

(a) the persons appointed to the Discipline Committee by the Council from among the members of the Council elected to the Council;

(b) one member of the Council who was appointed to the Council by the Lieutenant Governor in Council; and

(c) the persons appointed to the Committee by the Council from among the members of the Association who have not less than ten years experience in the practice of professional land surveying.

Quorum and votes

(2) Three members of the Discipline Committee, of whom one shall be a person appointed to the Council by the Lieutenant Governor in Council, constitute a quorum, and all disciplinary decisions require the vote of a majority of the members of the Discipline Committee present at the meeting.

Disability of member

(3) Where the Discipline Committee commences a hearing and a member of the Discipline Committee becomes unable to act, the remaining members may complete the hearing notwithstanding the absence of the member who is unable to act.

Chairman

(4) The Council shall name one member of the Discipline Committee who is a member of and elected to the Council to be chairman.

Reference by Council or Executive Committee

(5) The Council, by resolution, may direct the Discipline Committee to hold a hearing and determine any allegation of professional misconduct or incompetence on the part of a member of the Association or a holder of a certificate of authorization specified in the resolution.

Duties of Discipline Committee

26.—(1) The Discipline Committee shall,

(a) when so directed by the Council or the Complaints Committee, hear and determine allegations of pro-

fessional misconduct or incompetence against a member of the Association;

(b) hear and determine matters referred to it under section 22, 25 or 35; and

(c) perform such other duties as are assigned to it by the Council.

Professional misconduct

(2) A member of the Association may be found guilty of professional misconduct by the Committee if,

(a) the member has been found guilty of an offence relevant to his or her suitability to practise, upon proof of such conviction;

(b) the member or holder has been guilty in the opinion of the Discipline Committee of professional misconduct as defined in the regulations.

Incompetence

(3) The Discipline Committee may find a member of the Association to be incompetent if in its opinion,

(a) the member has displayed in his or her professional responsibilities a lack of knowledge, skill or judgment or disregard for the welfare of the public the member serves of a nature or to an extent that demonstrates the member is unfit to carry out the responsibilities of a person engaged in the practice of professional land surveying; or

(b) the member or holder is suffering from a physical or mental condition or disorder of a nature and extent making it desirable in the interests of the public or the member that the member no longer be permitted to engage in the practice of professional land surveying or that his practice of professional land surveying be restricted or, in the case of a member other than a licensed member, that the membership of the member be revoked or be restricted.

Powers of Discipline Committee

(4) Where the Discipline Committee finds a member of the Association guilty of professional misconduct or incompetence it may, by order,

(a) revoke the licence or certificate of registration, as the case may be, of the member;

(b) suspend the licence or certificate of registration, as the case may be, of the member for a stated period, not exceeding twenty-four months;

(c) accept the undertaking of the member to limit the professional work of the member or holder in the practice of professional land surveying to the extent specified in the undertaking;

(d) impose terms, conditions and limitations on the licence or certificate of registration, as the case may be, of the member, including but not limited, in the case of a member, to the successful completion of a particular course or courses of study, as are specified by the Discipline Committee;

(e) impose specific restrictions on the licence or certificate of registration, as the case may be, or on the certificate of authorization, including but not limited to,

(i) requiring the member to engage in the practice of professional land surveying only under the personal supervision and direction of another member,

(ii) requiring the member to not alone engage in the practice of professional land surveying,

(iii) requiring the member to accept periodic inspections by the Discipline Committee or its delegate of the books, accounts, records and plans of the member in connection with the member's practice,

(iv) requiring the member to report to the Registrar or to such committee of the Council as the Discipline Committee may specify on such matters in respect of the member's practice for such period of time, at such times and in such form, as the Discipline Committee may specify;

(f) require that the member be reprimanded, admonished or counselled and, if considered warranted, direct that the fact of the reprimand, admonishment or counselling be recorded on the register;

(g) revoke or suspend for a stated period of time the designation of the member by the Association as a

specialist in any branch of professional land surveying;

(h) impose such fine as the Discipline Committee considers appropriate, to a maximum of $5,000, to be paid by the member to the Treasurer of Ontario for payment into the Consolidated Revenue Fund;

(i) require the member to repay, waive or reduce the fee charged by the member in respect of the practice of professional land surveying related to the finding of professional misconduct or incompetence;

(j) subject to subsection (5), in respect of orders of revocation or suspension, direct that the finding and the order of the Discipline Committee be published in an official publication of the Association in detail or in summary and either with or without including the name of the member;

(k) fix and impose costs to be paid by the member to the Association;

(l) direct that the imposition of a penalty be suspended or postponed for such period and upon such terms or for such purpose as may be specified by the Discipline Committee, including but not limited to,

(i) the successful completion by the member of a particular course or courses of study,

(ii) the production to the Discipline Committee of evidence satisfactory to it that any physical or mental handicap in respect of which the penalty was imposed has been overcome,

or any combination of them.

Publication of revocation or suspension

(5) The Discipline Committee shall cause an order of the Committee revoking or suspending a licence or certificate of registration to be published, with or without the reasons therefor, in an official publication of the Association together with the name of the holder of the revoked or suspended licence, certificate of authorization or certificate of registration.

Publication on request

(6) The Discipline Committee shall cause a determination by the Committee that an allegation of professional misconduct or incompetence was unfounded to be published in an

official publication of the Association, upon the request of the member against whom the allegation was made.

Costs

(7) Where the Discipline Committee is of the opinion that the commencement of the proceedings was unwarranted, the Committee may order that the Association reimburse the member for his or her costs or such portion thereof as the Discipline Committee fixes and the Association shall comply with the order.

Stay on appeal for incompetence

(8) Where the Discipline Committee revokes, suspends or restricts a licence or certificate of registration on the ground of incompetence, the decision takes effect immediately notwithstanding that an appeal is taken from the decision unless the court to which the appeal is taken otherwise orders, and, where the court is satisfied that it is appropriate in the circumstances, the court may so order.

Stay on appeal for professional misconduct

(9) Where the Discipline Committee revokes, suspends or restricts a licence or certificate of registration on a ground other than incompetence, the order does not take effect until the time for appeal from the order has expired without an appeal being taken or, if taken, the appeal has been disposed of or abandoned, unless the Discipline Committee otherwise orders, and, where the Committee considers that it is appropriate for the protection of the public, the Committee may so order.

Service of decision of Discipline Committee

(10) Where the Discipline Committee finds a member guilty of professional misconduct or incompetence, a copy of the decision shall be served upon the person complaining in respect of the conduct or action of the member or holder.

Continuation on expiry of Committee membership

(11) Where a proceeding is commenced before the Discipline Committee and the term of office on the Council or on the Committee of a member sitting for the hearing expires or is terminated, other than for cause, before the proceeding is disposed of but after evidence has been heard, the member shall be deemed to remain a member of the Discipline Committee for the purpose of completing the disposition of the proceeding in the same manner as if the term of office had not expired or been terminated.

Discipline proceedings, parties

27.—(1) In proceedings before the Discipline Committee, the Association and the member of the Association whose conduct is being investigated in the proceedings are parties to the proceedings.

Examination of documentary evidence

(2) A member whose conduct is being investigated in proceedings before the Discipline Committee shall be afforded an

opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Members holding hearing not to have taken part in investigation, etc.

(3) A member of the Discipline Committee holding a hearing shall not have taken part before the hearing in any investigation of the subject-matter of the hearing other than as a member of the Council considering the referral of the matter to the Discipline Committee or at a previous hearing of the Committee, and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his or her representative except upon notice to and opportunity for all parties to participate, but the Discipline Committee may seek legal advice from a person who is not counsel in the proceedings and, in such case, the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

In camera R.S.O 1980, c. 484

(4) Notwithstanding anything in the *Statutory Powers Procedure Act*, hearings of the Discipline Committee shall be held *in camera*, but, if the party whose conduct is being investigated requests otherwise by a notice delivered to the Registrar at least five days before the day fixed for the hearing, the Discipline Committee shall conduct the hearing in public except where,

(a) matters involving public security may be disclosed; or

(b) the possible disclosure of intimate financial or personal matters outweighs the desirability of holding the hearing in public.

Recording of evidence

(5) The oral evidence taken before the Discipline Committee shall be recorded and, if so required, copies of a transcript thereof shall be furnished only to the parties at their own cost.

Evidence R.S.O. 1980, c. 484

(6) Notwithstanding section 15 of the *Statutory Powers Procedure Act*, nothing is admissible in evidence before the Discipline Committee that would be inadmissible in a court in a civil case and the findings of the Discipline Committee shall be based exclusively on evidence admitted before it.

Only members at hearing to participate in decision

(7) No member of the Discipline Committee shall participate in a decision of the Committee following upon a hearing unless the member was present throughout the hearing and heard the evidence and argument of the parties.

Release of documentary evidence

(8) Documents and things put in evidence at a hearing of the Discipline Committee shall, upon the request of the party

who produced them, be returned by the Committee within a reasonable time after the matter in issue has been finally determined.

Appeal to court

28.—(1) A party to proceedings before the Registration Committee or the Discipline Committee may appeal to the Divisional Court, in accordance with the rules of court, from the decision or order of the committee.

Certified copy of record

(2) Upon the request of a party desiring to appeal to the Divisional Court and upon payment of the fee therefor, the Registrar shall furnish the party with a certified copy of the record of the proceedings, including the documents received in evidence and the decision or order appealed from.

Powers of court on appeal

(3) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the committee appealed from and may exercise all powers of the committee and may direct the committee to take any action which the committee may take and as the court considers proper, and for such purposes the court may substitute its opinion for that of the committee or the court may refer the matter back to the committee for rehearing in whole or in part, in accordance with such directions as the court considers proper.

Fees Mediation Committee

29.—(1) No person who is a member of the Complaints Committee or the Discipline Committee shall be a member of the Fees Mediation Committee.

Duties of Fees Mediation Committee

(2) The Fees Mediation Committee,

(a) shall, unless the committee considers it inappropriate to do so, mediate any written complaint by a client of a member of the Association or of a holder of a certificate of authorization in respect of a fee charged for services in the practice of professional land surveying provided to the client; and

(b) shall perform such other duties as are assigned to it by the Council.

Arbitration by Fees Mediation Committee

(3) The Fees Mediation Committee, with the written consent of all parties to the dispute, may arbitrate a dispute in respect of a fee between a client and a member of the Association or a holder of a certificate of authorization and in that case the decision of the Fees Mediation Committee is final and binding on all parties to the dispute.

(4) Where the Fees Mediation Committee acts as arbitrator under subsection (3), the *Arbitrations Act* does not apply. Application of R.S.O. 1980, c. 25

(5) A decision by the Fees Mediation Committee under subsection (3), exclusive of the reasons therefor, certified by the Registrar, may be filed with the Supreme Court or a county or district court and when filed the decision may be enforced in the same manner as a judgment of the court. Enforcement

30.—(1) Where the Registrar believes on reasonable and probable grounds that a member of the Association has committed an act of professional misconduct or incompetence or that there is cause to refuse to issue or to suspend or revoke a certificate of authorization, the Registrar by order may appoint one or more persons to make an investigation to ascertain whether such act has occurred or there is such cause, and the person or persons appointed shall report the result of the investigation to the Registrar. Registrar's investigation

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the practice of the member or holder of the certificate of authorization in respect of whom the investigation is being made and may, upon production of his or her appointment, enter at any reasonable time the business premises of the member or holder and examine books, records, documents and things relevant to the subject-matter of the investigation and, for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to such inquiry as if it were an inquiry under that Act. Powers of investigator R.S.O. 1980, c. 411

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or her or conceal or destroy any books, records, documents or things relevant to the subject-matter of the investigation. Obstruction of investigator

(4) Where a provincial judge is satisfied on evidence upon oath, Order by provincial judge

(a) that the Registrar had grounds for appointing and by order has appointed one or more persons to make an investigation; and

(b) that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, records, documents or things relating to the member of the Association or holder of a certificate of authorization whose affairs are being inves-

tigated and to the subject-matter of the investigation,

the provincial judge may issue an order authorizing the person or persons making the investigation, together with such police officer or officers as they call upon to assist them, to enter and search, by force, if necessary, such building, dwelling, receptacle or place for such books, records, documents or things and to examine them.

Execution of order

(5) An order issued under subsection (4) shall be executed at reasonable times as specified in the order.

Expiry of order

(6) An order issued under subsection (4) shall state the date on which it expires, which shall be a date not later than fifteen days after the order is issued.

Ex parte application

(7) A provincial judge may receive and consider an application for an order under subsection (4) without notice to and in the absence of the member of the Association or holder of a certificate of authorization whose affairs are being investigated.

Removal of books, etc.

(8) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, records, documents or things examined under this section relating to the member or holder whose practice is being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, records or documents, but such copying shall be carried out with reasonable dispatch and the books, records or documents in question shall be promptly thereafter returned to the member or holder whose practice is being investigated.

Admissibility of copies

(9) Any copy made as provided in subsection (8) and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as proof in the absence of evidence to the contrary of the original book, record or document and its contents.

Report of Registrar

(10) The Registrar shall report the results of the investigation to the Council or such committee as the Registrar considers appropriate.

Information re insurance claims, definition

31.—(1) In this section, "insurer" means a person offering insurance in respect of liability incurred in the practice of professional land surveying.

Information

(2) Upon the request of the Registrar, an insurer shall furnish to the Registrar any information that is in the possession

of the insurer and that is specified in the request related to a claim or claims for indemnity in respect of the practice of professional land surveying.

Exception

(3) Subsection (2) does not apply in respect of a document prepared by an insured person relating to a claim for indemnity in respect of the practice of professional land surveying by the insured person.

Transmittal of information

(4) The Registrar may forward any information referred to in subsection (2) to such committee as he considers appropriate.

Professional liability insurance

32.—(1) No member of the Association or holder of a certificate of authorization shall engage in the practice of professional land surveying unless insured against professional liability in accordance with the regulations or in accordance with arrangements under subsection (2).

Arrangements by Association

(2) The Association may make arrangements respecting insurance against professional liability for members of the Association and holders of certificates of authorization.

Premiums

(3) Arrangements under subsection (2) may include arrangements respecting the payment and remission of premiums.

Levies

(4) The Association may prescribe levies that shall be paid by members of the Association and holders of certificates of authorization related to arrangements under subsection (2).

Compensation Fund

33.—(1) The Association shall continue to maintain the fund known as the "Compensation Fund" and shall continue to hold it in trust for the purposes of this section.

Composition of Fund

(2) The Compensation Fund shall be made up of,

(a) all moneys paid by members of the Association under subsection (3);

(b) all moneys earned from the investment of moneys in the Fund;

(c) all moneys recovered under subsection (7); and

(d) all moneys contributed by any person.

Compensation Fund levy

(3) Every member, other than those of a class exempted by the by-laws, shall pay to the Association for the Compensa-

tion Fund such sum as is prescribed from time to time by the by-laws.

Insurance

(4) The Council may insure with any insurer licensed to carry on business in Ontario for such purposes and on such terms as the Council considers expedient in relation to the Compensation Fund, and, in such event, the moneys in the Fund may be used for the payment of premiums.

Grants

(5) The Council in its absolute discretion may make grants from the Compensation Fund in order to relieve or mitigate loss sustained by any person in consequence of dishonesty or incompetence in the practice of professional land surveying on the part of any member notwithstanding that after the commission of the act of dishonesty or incompetence the member may have died or ceased to administer his or her affairs or to be a member.

Conditions of grants

(6) No grant shall be made out of the Compensation Fund unless notice in writing of the loss is received by the Registrar within six months after the loss came to the knowledge of the person suffering the loss or within such further time, not exceeding eighteen months, as in any case may be allowed by the Council.

Subrogation

(7) If a grant is made under this section, the Association is subrogated to the amount of the grant to any rights or remedies to which the person receiving the grant was entitled on account of the loss in respect of which the grant was made against the member or any other person, or, in the event of the death or insolvency or other disability of the member or other person, against his or her personal representative or other person administering his or her estate.

Grantees' rights conditionally limited

(8) A person to whom a grant is made under this section, or, in the event of the person's death or insolvency or other disability, the personal representative or other person administering his or her estate, has no right to receive anything from the member or the member's estate in respect of the loss in respect of which the grant was made until the Association has been reimbursed the full amount of the grant.

Reimbursement from bankrupt's estate

(9) Where a grant has been made under this section and the member has been declared a bankrupt, the Association is entitled to prove against the bankrupt's estate for the full amount of the claim of the person to whom the grant was made and to receive all dividends on such amount until the Association has been reimbursed the full amount of the grant.

Delegation of powers to committee or referee or both

(10) The Council may delegate any of the powers conferred upon it by this section to a committee of the Council and, whether or not the Council has made any such delegation, it may appoint any member as a referee and delegate to the member any of the powers conferred upon it by this section that are not delegated to a committee.

Reports

(11) Where the Council has delegated any of its powers under this section to a committee or to a referee, the committee or referee, as the case may be, shall report as required to the Council.

Costs of administration

(12) There may be paid out of the Compensation Fund the costs of its administration, including the costs of investigations and hearings and all other costs, salaries and expenses necessarily incidental to the administration of the Fund.

Other purposes

(13) Surplus moneys in the Compensation Fund may be applied for such other purposes as are specified by the Council and approved by the Lieutenant Governor in Council.

Surrender of cancelled licence, etc.

34. Where a licence, certificate of authorization or certificate of registration is revoked or cancelled, the former holder thereof shall forthwith deliver the licence or certificate and related seal to the Registrar.

Restoration of licence, etc.

35.—(1) A person whose licence, certificate of authorization or certificate of registration has been revoked for cause under this Act, or whose membership has been cancelled for cause under a predecessor of this Act, may apply in writing to the Registrar for the issuance of a licence, certificate of authorization or certificate of registration, but such application shall not be made sooner than two years after the revocation or cancellation.

Reference to Discipline Committee

(2) The Registrar shall refer the application to the Discipline Committee which shall hold a hearing respecting and decide upon the application, and shall report its decision and reasons to the Council and to the applicant.

Procedures

(3) The provisions of this Act applying to hearings by the Registration Committee, except section 28, apply with necessary modifications to proceedings of the Discipline Committee under this section.

Direction by Council to issue licence

(4) Notwithstanding subsections (1), (2) and (3), the Council may direct at any time that a licence, certificate of authorization or certificate of registration be issued to a person whose licence, certificate of authorization or certificate of registration has previously been revoked for cause or sus-

pended for cause or that a suspension or cancellation for cause under a predecessor of this Act be removed, subject to such terms, conditions and limitations as the Council considers appropriate.

Confidentiality

36.—(1) Every person engaged in the administration of this Act, including any person making a review or investigation under section 24 or 30, shall preserve secrecy with respect to all matters that come to the person's knowledge in the course of the person's duties, employment, inquiry or investigation and shall not communicate any such matter to any other person except,

(a) as may be required in connection with the administration of this Act and the regulations and by-laws or any proceedings under this Act or the regulations;

(b) that the person may communicate any such matter to his or her counsel; or

(c) with the consent of the person to whom the information relates.

Testimony in civil action

(2) No person to whom subsection (1) applies shall be required to give testimony or to produce any book, record, document or thing in any action or proceeding with regard to information obtained in the course of his or her duties, employment, inquiry or investigation except in a proceeding under this Act or the regulations.

Use of "O.L.S." by corporation

37.—(1) A corporation whose name includes the title "Ontario land surveyor" or the initials "O.L.S." and that ceases to hold a subsisting certificate of authorization shall not carry on or engage in any business until the title "Ontario land surveyor" or the initials "O.L.S." are removed from the name of the corporation.

Exception

(2) Subsection (1) does not apply to prevent a corporation from carrying on an activity necessary to the winding up of the corporation.

Proceedings to prohibit continuation or repetition of contravention

38. Where any provision of this Act or the regulations is contravened, notwithstanding any other remedy or any penalty imposed, the Association may apply to a judge of the Supreme Court for an order prohibiting the continuation or repetition of the contravention or the carrying on of any activity specified in the order that, in the opinion of the court, will result or will likely result in the continuation or repetition of the contravention by the person committing the contraven-

tion, and the judge may make the order and it may be enforced in the same manner as any other order or judgment of the Supreme Court.

Penalties

39.—(1) Every person who contravenes section 11 is guilty of an offence and on conviction is liable for the first offence to a fine of not more than $15,000 and for each subsequent offence to a fine of not more than $30,000.

Idem

(2) Every person who is not a member of the Association and who uses the title "Ontario land surveyor" or the initials "O.L.S." as an occupational designation is guilty of an offence and on conviction is liable for the first offence to a fine of not more than $5,000 and for each subsequent offence to a fine of not more than $15,000.

Idem

(3) Every person who obstructs a person appointed to make an investigation under section 30 in the course of his or her duties is guilty of an offence and on conviction is liable to a fine of not more than $5,000.

Idem

(4) Every corporation that contravenes section 37 is guilty of an offence and on conviction is liable for a first offence to a fine of not more than $5,000 and for each subsequent offence to a fine of not more than $15,000.

Idem, director or officer of corporation

(5) Where a corporation is guilty of an offence under subsection (1), (2), (3) or (4), every director or officer of the corporation who authorizes, permits or acquiesces in the offence is guilty of an offence and on conviction is liable to a fine of not more than $30,000.

Limitation

(6) Proceedings shall not be commenced in respect of an offence under subsection (1), (2), (3), (4) or (5) after two years after the date on which the offence was, or is alleged to have been, committed.

Falsification of certificate

40.—(1) Any person who makes or causes to be made any wilful falsification in any matter relating to a register or issues a false licence, certificate of authorization or certificate of registration or a false document with respect to a register maintained by the Registrar under this Act is guilty of an offence and on conviction is liable to a fine of not more than $5,000.

Offences for false representation

(2) Any person who wilfully procures or attempts to procure himself or herself to be licensed or to be issued a certificate of authorization or a certificate of registration under this Act by knowingly making any false representation or declaration or by making a fraudulent representation or declaration,

either orally or in writing, is guilty of an offence and on conviction is liable to a fine of not more than $5,000.

Aiding and assisting

(3) Every person knowingly aiding and assisting in the commission of an offence under subsection (2) is guilty of an offence and on conviction is liable to a fine of not more than $5,000.

Limitation period

(4) Proceedings to obtain a conviction for an offence under subsection (1) shall not be commenced after the expiration of six months after the date on which the offence was, or is alleged to have been, committed.

Onus of proof

41. Where licensing or the holding of a certificate of authorization under this Act is required to permit the lawful doing of any act or thing, if in any prosecution it is proven that the defendant has done such act or thing, the burden of proving that the defendant was so licensed or that the defendant held a subsisting certificate of authorization under this Act rests upon the defendant.

Service of notice

42. A notice or document required by this Act to be served or delivered may be served or delivered personally or by prepaid first class mail addressed to the person to whom notice is to be given at the person's last known address and, where notice is served or delivered by mail, the service or delivery shall be deemed to have been made on the tenth day after the day of mailing unless the person to whom notice is given establishes that the person, acting in good faith, through absence, accident, illness or other cause beyond the person's control, did not receive the notice, or did not receive the notice until a later date.

Registrar's certificate as evidence

43. Any statement containing information from the records required to be kept by the Registrar under this Act, purporting to be certified by the Registrar under the seal of the Association, is admissible in evidence in all courts as proof in the absence of evidence to the contrary of the facts stated therein without proof of the appointment or signature of the Registrar and without proof of the seal.

Immunity

44.—(1) No action or other proceeding for damages shall be instituted against the Association, a committee of the Association or a member of the Association or committee, or an officer, employee, agent or appointee of the Association for any act done in good faith in the performance or intended performance of any duty or in the exercise or the intended exercise of any power under this Act, a regulation or a by-law, or for any neglect or default in the performance or exercise in good faith of such duty or power.

Councillor indemnified in suits respecting execution of office

(2) Every member of the Council and every officer, member or employee of the Association, and his or her heirs, executors and administrators, and estate and effects, respectively, may, with the consent of the Association, given at any meeting of the members of the Association, from time to time and at all times, be indemnified and saved harmless out of the funds of the Association, from and against,

(a) all costs, charges and expenses whatsoever that he or she sustains or incurs in or about any action, suit or proceeding that is brought, commenced or prosecuted for or in respect of any act, deed, matter or thing whatsoever, made, done or permitted by him or her, in or about the execution of the duties of his or her office, employment or appointment; and

(b) all other costs, charges and expenses that he or she sustains or incurs in or about or in relation to the affairs thereof, except such costs, charges or expenses as are occasioned by his or her own wilful neglect or default.

Annual report

45.—(1) The Council shall make a report annually to the Minister containing such information as the Minister requires.

Idem

(2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Application of R.S.O. 1980, c. 95

46.—(1) The *Corporations Act* does not apply in respect of the Association except for the following sections of that Act which shall apply with necessary modifications in respect of the Association:

1. Section 81 (liability for wages).

2. Section 94 (auditors) and, for the purpose, the Minister shall be deemed to be the Minister referred to in the section.

3. Subsection 95 (1) (auditor's qualifications) and, for the purpose, the subsection shall be deemed not to include,

   i. the exception as provided in subsection 95 (2), and

   ii. the reference to an affiliated company.

4. Section 96 (auditor's functions).

5. Subsection 97 (1), exclusive of clause 97 (1) (b), (auditor's report) and, for the purpose, the Association shall be deemed to be a private company.

6. Subsection 97 (3) (auditor's report).

7. Section 122 (liability of members).

8. Section 276 (holding of land) and, for the purpose, the Minister shall be deemed to be the Minister referred to in the section.

9. Section 280 (making contracts).

10. Section 281 (power of attorney).

11. Section 282 (authentication of documents) except in respect of information from the records required to be kept by the Registrar.

12. Section 292 (validity of acts of directors).

13. Section 297 (directions by a court as to holding a meeting).

14. Section 299 (minutes of meetings).

15. Section 302 (books of account).

16. Section 303 (untrue entries) and, for the purpose, the section shall be deemed not to refer to section 41 of that Act.

17. Section 304 (place of keeping and the inspection of records) and, for the purpose,

    i. the section shall be deemed not to refer to sections 41 and 43 of that Act, and

    ii. the Minister shall be deemed to be the Minister referred to in the section.

18. Section 305 (inspection of records) and, for the purpose, the section shall be deemed not to refer to section 41 of that Act.

19. Section 310 (investigations and audits).

20. Section 323 (evidence of by-laws and certificates of amounts due).

21. Section 329 (removal of proceedings into the Supreme Court).

22. Section 330 (appeals).

23. Section 331 (untrue statements) and, for the purpose,

    i. the section shall be deemed not to refer to regulations made under that Act, and

    ii. the Minister and the Deputy Minister to the Minister shall be deemed to be the Minister and the Deputy Minister referred to in the section.

24. Section 333 (orders by the court) and, for the purpose, the section shall be deemed not to refer to creditors.

Interpretation

(2) For the purposes of subsection (1), a member of the Association shall be deemed to be a shareholder.

Repeal

47.—(1) The *Surveyors Act*, being chapter 492 of the Revised Statutes of Ontario, 1980, is repealed.

Idem

(2) Section 8 of the *Mobility Rights Statute Law Amendment Act, 1985*, being chapter 5 and section 67 of the *Equality Rights Statute Law Amendment Act, 1986*, being chapter 64, are repealed.

References
R.S.O. 1980, c. 492

(3) A reference in any Act or regulation to a surveyor or an Ontario land surveyor registered under the *Surveyors Act* shall be deemed to be a reference to a member of the Association licensed to engage in the practice of cadastral surveying.

Idem

(4) A reference in any Act or regulation to the *Surveyors Act* shall be deemed to be a reference to this Act.

Commencement

48. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

49. The short title of this Act is the *Surveyors Act, 1987*.

CHAPTER 7

An Act to amend the Securities Act

Assented to February 12th, 1987

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 (1) of the *Securities Act*, being chapter 466 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1986, chapter 64, section 63, is further amended by adding thereto the following paragraphs:

2a. "clearing agency" means a person or company that acts as an intermediary in paying funds or delivering securities, or both, in connection with trades in securities and that provides centralized facilities for the clearing of trades in securities;

. . . . .

34a. "recognized clearing agency" means a person or company that is designated as a recognized clearing agency by the Commission.

2. Subsection 2 (2) of the said Act is repealed and the following substituted therefor:

Appointments

(2) The Commission shall be composed of a Chairman and not more than ten or less than eight other members, appointed by the Lieutenant Governor in Council, two of whom may be designated as Vice-Chairmen.

3. Clause 18 (1) (a) of the said Act is repealed and the following substituted therefor:

(a) the financial affairs of a recognized clearing agency, registrant or reporting issuer; and

. . . . .

4. The said Act is amended by adding thereto the following Part:

PART VIII-A

CLEARING AGENCIES

Recognition of clearing agencies

21a.—(1) Upon the application of a person or company carrying on or proposing to carry on the business of a clearing agency, the Commission may designate the person or company as a recognized clearing agency where the Commission is satisfied that to do so would be in the public interest and that the person or company can comply with the regulations and all terms and conditions imposed by the Commission with respect to the designation.

Commission's powers

(2) The Commission, in designating a person or company as a recognized clearing agency, shall make the designation in writing and the designation may be made subject to such terms and conditions as the Commission may impose.

Idem

(3) The Commission, after giving a recognized clearing agency an opportunity to be heard, may suspend or cancel its designation as a recognized clearing agency or may impose terms and conditions upon the designation where in its opinion such action is in the public interest.

Idem

(4) The Commission, where it appears to it to be in the public interest, may make any decision with respect to any constating document, general agreement with its participants or members, by-law, rule, regulation, procedure or practice of a recognized clearing agency, including, without limiting the generality of the foregoing, suspending the operation of or requiring an amendment to any such constating document, general agreement, by-law, rule, regulation, procedure or practice.

Review of decisions of recognized clearing agency

(5) Any person or company directly affected by any direction, order or decision made under any by-law, rule, regulation, procedure or practice of a recognized clearing agency may apply to the Commission for a hearing and review thereof and section 8 applies to the hearing and review in the same manner as to the hearing and review of a decision of the Director.

5. Paragraph 17 of subsection 34 (1) of the said Act is repealed and the following substituted therefor:

17. A trade in a security to a person or company pursuant to a take-over bid or issuer bid made by that person or company.

6. Clause 71 (1) (k) of the said Act is repealed and the following substituted therefor:

(k) the trade is made in a security to a person or company pursuant to a take-over bid or issuer bid made by that person or company.

7. Section 75 of the said Act is repealed and the following substituted therefor:

Trading where undisclosed change

75.—(1) No person or company in a special relationship with a reporting issuer shall purchase or sell securities of the reporting issuer with the knowledge of a material fact or material change with respect to the reporting issuer that has not been generally disclosed.

Tipping

(2) No reporting issuer and no person or company in a special relationship with a reporting issuer shall inform, other than in the necessary course of business, another person or company of a material fact or material change with respect to the reporting issuer before the material fact or material change has been generally disclosed.

Idem

(3) No person or company that proposes,

(a) to make a take-over bid, as defined in Part XIX, for the securities of a reporting issuer;

(b) to become a party to a reorganization, amalgamation, merger, arrangement or similar business combination with a reporting issuer; or

(c) to acquire a substantial portion of the property of a reporting issuer,

shall inform another person or company of a material fact or material change with respect to the reporting issuer before the material fact or material change has been generally disclosed except where the information is given in the necessary course of business to effect the take-over bid, business combination or acquisition.

Defence

(4) No person or company shall be found to have contravened subsection (1), (2) or (3) if the person or company proves that the person or company reasonably believed that the material fact or material change had been generally disclosed.

Definition

(5) For the purposes of this section, "person or company in a special relationship with a reporting issuer" means,

(a) a person or company that is an insider, affiliate or associate of,

(i) the reporting issuer,

(ii) a person or company that is proposing to make a take-over bid, as defined in Part XIX, for the securities of the reporting issuer, or

(iii) a person or company that is proposing to become a party to a reorganization, amalgamation, merger or arrangement or similar business combination with the reporting issuer or to acquire a substantial portion of its property;

(b) a person or company that is engaging in or proposes to engage in any business or professional activity with or on behalf of the reporting issuer or with or on behalf of a person or company described in subclause (a) (ii) or (iii);

(c) a person who is a director, officer or employee of the reporting issuer or of a person or company described in subclause (a) (ii) or (iii) or clause (b);

(d) a person or company that learned of the material fact or material change with respect to the reporting issuer while the person or company was a person or company described in clause (a), (b) or (c);

(e) a person or company that learns of a material fact or material change with respect to the issuer from any other person or company described in this subsection, including a person or company described in this clause, and knows or ought reasonably to have known that the other person or company is a person or company in such a relationship.

Idem (6) For the purpose of subsection (1), a security of the reporting issuer shall be deemed to include,

(a) a put, call, option or other right or obligation to purchase or sell securities of the reporting issuer; or

(b) a security, the market price of which varies materially with the market price of the securities of the issuer.

8. Part XIX of the said Act is repealed and the following substituted therefor:

PART XIX

TAKE-OVER BIDS AND ISSUER BIDS

Definitions

88.—(1) In this Part,

"business day" means a day other than a Saturday or a holiday;

"class of securities" includes a series of a class of securities;

"equity security" means any security of an issuer that carries a residual right to participate in the earnings of the issuer and, upon the liquidation or winding up of the issuer, in its assets;

"formal bid" means,

(a) a take-over bid or an issuer bid to which section 94 applies, or

(b) a take-over bid that is exempted from sections 94 to 99 or an issuer bid that is exempted from sections 94, 95, 96, 97 and 99,

(i) by reason of an exemption under clause 92 (1) (a) or 92 (3) (e), if the offeror is required to deliver to every security holder whose last address as shown on the books of the offeree issuer is in Ontario a disclosure document of the type contemplated by subsection 127 (10), or

(ii) by reason of an exemption under clause 92 (1) (e) or 92 (3) (h), if the offeror is required to deliver disclosure material relating to the bid to holders of the class of securities subject to the bid;

"interested person" means, for the purposes of sections 100c and 100d,

(a) an offeree issuer,

(b) a security holder, director or officer of an offeree issuer,

(c) an offeror,

(d) the Director, and

(e) any person or company not referred to in clauses (a) to (d) who in the opinion of the Commission or the Court, as the case may be, is a proper person to make an application under section 100c or 100d, as the case may be;

"issuer bid" means an offer to acquire or redeem securities of an issuer made by the issuer to any person or company who is in Ontario or to any security holder of the issuer whose last address as shown on the books of the issuer is in Ontario and includes a purchase, redemption or other acquisition of securities of the issuer by the issuer from any such person or company, but does not include an offer to acquire or redeem debt securities that are not convertible into securities other than debt securities;

"offer to acquire" includes,

(a) an offer to purchase, or a solicitation of an offer to sell, securities,

(b) an acceptance of an offer to sell securities, whether or not such offer to sell has been solicited,

or any combination thereof, and the person or company accepting an offer to sell shall be deemed to be making an offer to acquire to the person or company that made the offer to sell;

"offeree issuer" means an issuer whose securities are the subject of a take-over bid, an issuer bid or an offer to acquire;

"offeror" means a person or company who makes a take-over bid, an issuer bid or an offer to acquire and, for the purposes of section 100, includes a person or company who acquires a security, whether or not by way of a take-over bid, issuer bid or offer to acquire;

"offeror's securities" means securities of an offeree issuer beneficially owned, or over which control or direction is exercised, on the date of an offer to acquire, by an offeror or any person or company acting jointly or in concert with the offeror;

"published market" means, as to any class of securities, any market on which such securities are traded if the prices at

which they have been traded on that market are regularly published in a *bona fide* newspaper or business or financial publication of general and regular paid circulation;

"take-over bid" means an offer to acquire outstanding voting or equity securities of a class made to any person or company who is in Ontario or to any security holder of the offeree issuer whose last address as shown on the books of the offeree issuer is in Ontario, where the securities subject to the offer to acquire, together with the offeror's securities, constitute in the aggregate 20 per cent or more of the outstanding securities of that class of securities at the date of the offer to acquire.

Computation of time, expiry of bid

(2) For the purposes of this Part,

(a) a period of days shall be computed as commencing on the day next following the event which began the period and terminating at midnight on the last day of the period, except that if the last day of the period does not fall on a business day, the period terminates at midnight on the next business day; and

(b) a take-over bid or an issuer bid expires at the later of,

(i) the end of the period, including any extension, during which securities may be deposited pursuant to the bid, and

(ii) the time at which the offeror becomes obligated by the terms of the bid to take-up or reject securities deposited thereunder.

Convertible securities

(3) For the purposes of this Part,

(a) a security shall be deemed to be convertible into a security of another class if, whether or not on conditions, it is or may be convertible into or exchangeable for, or if it carries the right or obligation to acquire, a security of the other class, whether of the same or another issuer; and

(b) a security that is convertible into a security of another class shall be deemed to be convertible into a security or securities of each class into which the second-mentioned security may be converted, either directly or through securities of one or more other classes of securities that are themselves convertible.

Deemed beneficial ownership

89.—(1) For the purposes of this Part, in determining the beneficial ownership of securities of an offeror or of any person or company acting jointly or in concert with the offeror, at any given date, the offeror, person or company shall be deemed to have acquired and be the beneficial owner of a security, including an unissued security, if the offeror, person or company is the beneficial owner of any security convertible within sixty days following such date into such a security or has the right or obligation, whether or not on conditions, to acquire within such sixty days beneficial ownership of the security whether through the exercise of an option, warrant, right or subscription privilege or otherwise.

Calculation of holdings, joint offers

(2) Where two or more offerors acting jointly or in concert make one or more offers to acquire securities of a class, the securities subject to any such offer or offers to acquire shall be deemed to be securities subject to the offer to acquire of each such offeror for the purpose of determining whether any such offeror is making a take-over bid.

Unissued securities deemed outstanding

(3) Where an offeror or any person or company acting jointly or in concert with the offeror is deemed by reason of subsection (1) to be the beneficial owner of unissued securities, the securities shall be deemed to be outstanding for the purpose of calculating the number of outstanding securities of that class in respect of that offeror's offer to acquire.

Acting jointly or in concert

90.—(1) For the purposes of this Part, it is a question of fact as to whether a person or company is acting jointly or in concert with an offeror and, without limiting the generality of the foregoing, the following shall be presumed to be acting jointly or in concert with an offeror:

1. Every person or company who, as a result of any agreement, commitment or understanding, whether formal or informal, with the offeror or with any other person or company acting jointly or in concert with the offeror, acquires or offers to acquire securities of the issuer of the same class as those subject to the offer to acquire.

2. Every person or company who, as a result of any agreement, commitment or understanding, whether formal or informal, with the offeror or with any other person or company acting jointly or in concert with the offeror, intends to exercise jointly or in concert with the offeror or with any other person or company acting jointly or in concert with the offeror any voting rights attaching to any securities of the offeree issuer.

3. Every associate or affiliate of the offeror.

Limitation

(2) Notwithstanding subsection (1), a registered dealer acting solely in an agency capacity for the offeror in connection with a take-over bid or an issuer bid and not executing principal transactions for its own account in the class of securities subject to the offer to acquire or performing services beyond customary dealer's functions shall not be presumed solely by reason of such agency relationship to be acting jointly or in concert with the offeror in connection with the bid.

Application to direct and indirect offers, etc.

91. For the purposes of this Part, a reference to an offer to acquire or to the acquisition or ownership of securities or to control or direction over securities shall be construed to include a direct or indirect offer to acquire or the direct or indirect acquisition or ownership of securities, or the direct or indirect control or direction over securities, as the case may be.

Exempted take-over bids

92.—(1) Subject to the regulations, a take-over bid is exempt from sections 94 to 99 if,

(a) the bid is made through the facilities of a stock exchange recognized by the Commission for the purposes of this clause;

(b) the bid is for not more than 5 per cent of the outstanding securities of a class of securities of the issuer and,

(i) the aggregate number of securities acquired by the offeror and any person or company acting jointly or in concert with the offeror within any period of twelve months in reliance upon the exemption provided by this clause does not, when aggregated with acquisitions otherwise made by the offeror and any person or company acting jointly or in concert with the offeror within the same twelve month period, constitute in excess of 5 per cent of the outstanding securities of that class of the issuer at the commencement of the twelve month period, and

(ii) if there is a published market for the securities acquired, the value of the consideration paid for any of the securities acquired is not in excess of the market price at the date of acquisition determined in accordance with the

regulations plus reasonable brokerage fees or commissions actually paid;

(c) all of the following conditions apply,

(i) purchases are made from not more than five persons or companies in the aggregate, including persons or companies outside of Ontario,

(ii) the bid is not made generally to security holders of the class of securities that is the subject of the bid, and

(iii) the value of the consideration paid for any of the securities, including brokerage fees or commissions, does not exceed 115 per cent of the market price of securities of that class at the date of the bid determined in accordance with the regulations;

(d) the offeree issuer is not a reporting issuer, there is not a published market in respect of the securities that are the subject of the bid, and the number of holders of securities of that class is not more than fifty, exclusive of holders who are in the employment of the offeree issuer or an affiliate of the offeree issuer, and exclusive of holders who were formerly in the employment of the offeree issuer or an affiliate of the offeree issuer and who while in that employment were, and have continued after that employment to be, security holders of the offeree issuer;

(e) the number of holders, whose last address as shown on the books of the offeree issuer is in Ontario, of securities of the class subject to the bid is fewer than fifty and the securities held by such holders constitute, in the aggregate, less than 2 per cent of the outstanding securities of that class, the bid is made in compliance with the laws of a jurisdiction that is recognized for the purposes of this clause by the Commission, and all material relating to the bid that is sent by the offeror to holders of securities of the class that is subject to the bid is concurrently sent to all holders of such securities whose last address as shown on the books of the offeree issuer is in Ontario and filed; or

(f) it is exempted by the regulations.

Determination of number of security holders

(2) For the purposes of clause (1) (c), where an offeror makes an offer to acquire securities from a person or company and the offeror knows or ought to know after reasonable enquiry that,

(a) one or more other persons or companies on whose behalf that person or company is acting as nominee, agent, trustee, executor, administrator or other legal representative has a direct beneficial interest in those securities, then each of such others shall be included in the determination of the number of persons and companies to whom the offer to acquire has been made, but, where an *inter vivos* trust has been established by a single settlor or where an estate has not vested in all persons beneficially entitled thereto, the trust or estate shall be considered a single security holder in such determination; or

(b) the person or company acquired the securities in order that the offeror might make use of the exemption provided by clause (1) (c), then each person or company from whom those securities were acquired shall be included in the determination of the number of persons and companies to whom the offer to acquire has been made.

Exempted issuer bids

(3) Subject to the regulations, an issuer bid is exempt from sections 94, 95, 96, 97 and 99 if,

(a) the securities are purchased, redeemed or otherwise acquired in accordance with terms and conditions attaching thereto that permit the purchase, redemption or acquisition of the securities by the issuer without the prior agreement of the owners of the securities, or where the securities are acquired to meet sinking fund or purchase fund requirements;

(b) the purchase, redemption or other acquisition is required by the instrument creating or governing the class of securities or by the statute under which the issuer was incorporated, organized or continued;

(c) the securities carry with them or are accompanied by a right of the owner of the securities to require the issuer to redeem or repurchase the securities and the securities are acquired pursuant to the exercise of such right;

(d) the securities are acquired from a current or former employee of the issuer or of an affiliate of the issuer, and if there is a published market in respect of the securities,

(i) the value of the consideration paid for any of the securities acquired does not exceed the market price of the securities at the date of the acquisition determined in accordance with the regulations, and

(ii) the aggregate number or, in the case of convertible debt securities, the aggregate principal amount of securities acquired by the issuer within a period of twelve months in reliance on the exemption provided by this clause does not exceed 5 per cent of the securities of that class issued and outstanding at the commencement of the period;

(e) the bid is made through the facilities of a stock exchange recognized by the Commission for the purpose of this clause;

(f) following the publication of a notice of intention in the form and manner prescribed by the regulations, the issuer purchases securities in the normal course in the open market, including through the facilities of a stock exchange, if the aggregate number, or, in the case of convertible debt securities, the aggregate principal amount, of securities acquired by the issuer within a period of twelve months in reliance on the exemption provided by this clause does not exceed 5 per cent of the securities of that class issued and outstanding at the commencement of the period;

(g) the issuer is not a reporting issuer, there is not a published market in respect of the securities that are the subject of the bid and the number of holders of securities of the issuer is not more than fifty, exclusive of holders who are in the employment of the issuer or an affiliate of the issuer, and exclusive of holders who were formerly in the employment of the issuer or an affiliate of the issuer and who while in that employment were, and have continued after the employment to be, security holders of the issuer;

(h) the number of holders, whose last address as shown on the books of the issuer is in Ontario, of securities of the class subject to the bid is fewer than fifty and the securities held by such holders constitute, in the aggregate, less than 2 per cent of the outstanding securities of that class, the bid is made in compliance with the laws of a jurisdiction that is recognized for the purposes of this clause by the Commission, and all material relating to the bid that is sent by the offeror to holders of securities of the class that is subject to the bid is concurrently sent to all holders of such securities whose last address as shown on the books of the issuer is in Ontario and filed; or

(i) it is exempted by the regulations.

Stock exchange requirements

(4) A bid that is made in reliance upon any exemption in this section through the facilities of a stock exchange shall be made in accordance with the by-laws, regulations and policies of the exchange.

Definition

93.—(1) In this section, "offeror" means,

(a) an offeror making a formal bid other than a bid referred to in clause 92 (1) (e) or 92 (3) (h);

(b) a person or company acting jointly or in concert with an offeror referred to in clause (a);

(c) a security holder of an offeror referred to in clause (a) who, as regards the offeror, is a person or company or a member of a combination of persons or companies referred to in subparagraph iii of paragraph 11 of subsection 1 (1) or an associate or affiliate of such security holder.

Restrictions on acquisitions during take-over bid

(2) An offeror shall not offer to acquire or make, or enter into, any agreement, commitment or understanding to acquire beneficial ownership of any securities of the class that are subject to a take-over bid otherwise than pursuant to the bid on and from the day of the announcement of the offeror's intention to make the bid until its expiry.

Permitted purchases during take-over bid

(3) Notwithstanding subsection (2), an offeror making a take-over bid may purchase, through the facilities of a stock exchange recognized by the Commission for the purpose of clause 92 (1) (a), securities of the class that are subject to the bid and securities convertible into securities of that class com-

mencing on the third business day following the date of the bid until the expiry of the bid, if,

(a) the intention to make such purchases is stated in the take-over bid circular;

(b) the aggregate number of securities acquired under this subsection does not constitute in excess of 5 per cent of the outstanding securities of that class as at the date of the bid; and

(c) the offeror issues and files a press release forthwith after the close of business of the exchange on each day on which securities have been purchased under this subsection disclosing the information prescribed by the regulations.

Restrictions on acquisition during issuer bid

(4) An offeror making an issuer bid shall not offer to acquire, or make or enter into any agreement, commitment or understanding to acquire, beneficial ownership of any securities of the class that are subject to the bid otherwise than pursuant to the bid on and from the day of the announcement of the offeror's intention to make the bid until the bid's expiry, but this subsection does not apply so as to prevent the offeror from purchasing, redeeming or otherwise acquiring any such securities during such period in reliance on an exemption under clause 92 (3) (a), (b) or (c).

Integration with pre-bid private transactions

(5) Where a take-over bid that is a formal bid is made by an offeror and, within the period of ninety days immediately preceding the bid, the offeror acquired beneficial ownership of securities of the class subject to the bid pursuant to a transaction not generally available on identical terms to holders of that class of securities,

(a) the offeror shall offer consideration for securities deposited under the bid at least equal to the highest consideration that was paid on a per security basis under any of such prior transactions or the offeror shall offer at least the cash equivalent of such consideration; and

(b) the offeror shall offer to acquire under the bid that percentage of securities of the class subject to the bid that is at least equal to the highest percentage that the number of securities acquired from a seller in such a prior transaction was of the total number of securities of that class beneficially owned by such seller at the time of the prior transaction.

Restriction on post-bid acquisition

(6) An offeror shall not acquire beneficial ownership of securities of the class that was subject to the bid by way of a transaction that is not generally available on identical terms to holders of that class of securities during the period beginning with the expiry of the bid and ending at the end of the twentieth business day thereafter, and whether or not any securities are taken up under the bid.

Exceptions, normal course trades

(7) Subsections (5) and (6) do not apply to trades effected in the normal course on a published market, so long as,

(a) any broker acting for the purchaser or seller does not perform services beyond the customary broker's function and does not receive more than reasonable fees or commissions;

(b) the purchaser or any person or company acting for the purchaser does not solicit or arrange for the solicitation of offers to sell securities of the class subject to the bid; and

(c) the seller or any person or company acting for the seller does not solicit or arrange for the solicitation of offers to buy securities of the class subject to the bid.

Sales during bid prohibited

(8) An offeror shall not, except pursuant to the bid, sell or make or enter into any agreement, commitment or understanding to sell any securities of the class subject to the bid on and from the day of the announcement of the offeror's intention to make the bid until its expiry.

Exception

(9) Notwithstanding subsection (8), an offeror, before the expiry of a bid, may make or enter into an arrangement, commitment or understanding to sell securities that may be taken up by the offeror pursuant to a bid, after the expiry of the bid, if the intention to sell is disclosed in the take-over bid circular or issuer bid circular, as the case may be.

General provisions

94. Subject to the regulations, the following rules apply to every take-over bid and issuer bid:

Delivery of bid

1. The bid shall be made to all holders of securities of the class that is subject to the bid who are in Ontario, and delivered by the offeror to all holders, whose last address as shown on the books of the offeree issuer is in Ontario, of securities of that class and of securities that, before the expiry of the bid, are convertible into securities of that class.

Minimum deposit period

2. The offeror shall allow at least twenty-one days from the date of the bid during which securities may be deposited pursuant to the bid.

When taking up prohibited

3. No securities deposited pursuant to the bid shall be taken up by the offeror until the expiration of twenty-one days from the date of the bid.

Withdrawal

4. Securities deposited pursuant to the bid may be withdrawn by or on behalf of a depositing security holder,

i. at any time before the expiration of twenty-one days from the date of the bid,

ii. at any time before the expiration of ten days from the date of a notice of change or variation under section 97, and

iii. where the securities have not been taken up and paid for by the offeror, after forty-five days from the date of the bid.

Exception

5. The right of withdrawal conferred by subparagraph ii of paragraph 4 does not apply,

i. where the securities have been taken up by the offeror at the date of the notice,

ii. where a variation in the terms of a bid consists solely of an increase in the consideration offered for the securities subject to the bid and the time for deposit is not extended for a period greater than that required by subsection 97 (5), or

iii. in the circumstances described in subsection 97 (6).

Notice of withdrawal

6. Notice of withdrawal of any securities under paragraph 4 shall be made by or on behalf of the depositing security holder by a method that provides the depositary designated under the bid with a written or printed copy and, to be effective, the notice must be actually received by the depositary and, where notice is given in accordance with this paragraph, the offeror shall return the securities to the depositing security holder.

7. Where the bid is made for less than all of the class of securities subject to the bid and where a greater number of securities is deposited pursuant thereto than the offeror is bound or willing to acquire under the bid, the securities shall be taken up and paid for by the offeror, as nearly as may be *pro rata*, disregarding fractions, according to the number of securities deposited by each depositing security holder. *Pro rata* take-up

8. Where an offeror purchases securities as permitted by subsection 93 (3), the securities so purchased shall be counted in the determination of whether a condition as to the minimum number of securities to be deposited in the bid has been fulfilled, but shall not reduce the number of securities the offeror is bound under the bid to take up. Effect of market purchases

9. Subject to paragraphs 10 and 11, the offeror shall take up and pay for securities deposited under the bid, where all the terms and conditions of the bid have been complied with or waived, not later than ten days after the expiry of the bid. When securities must be taken up and paid for

10. Any securities that are taken up by the offeror under the bid shall be paid for by the offeror as soon as possible, and in any event not more than three days, after the taking up of the securities. Idem

11. Any securities deposited pursuant to the bid subsequent to the date on which the offeror first takes up securities deposited under the bid shall be taken up and paid for by the offeror within ten days of the deposit of the securities. Idem

12. A bid may not be extended by the offeror, where all the terms and conditions thereof have been complied with except those waived by the offeror, unless the offeror first takes up and pays for all securities deposited thereunder and not withdrawn. Extension restricted

13. Where all the terms and conditions of the bid have been complied with or waived, the offeror shall forthwith issue a notice by press release to that effect, which press release shall disclose the approximate number of securities deposited and the approximate number that will be taken up. Press release

95. Where a take-over bid or issuer bid provides that the consideration for the securities deposited pursuant to the bid is to be paid in cash or partly in cash, the offeror shall make Financing of bid

adequate arrangements prior to the bid to ensure that the required funds are available to effect payment in full for all securities that the offeror has offered to acquire.

Identical consideration

96.—(1) Subject to the regulations, where a take-over bid or issuer bid is made, all holders of the same class of securities shall be offered identical consideration.

Collateral benefit

(2) If an offeror makes or intends to make a take-over bid or issuer bid, neither the offeror nor any person or company acting jointly or in concert with the offeror shall enter into any collateral agreement, commitment or understanding with any holder or beneficial owner of securities of the offeree issuer that has the effect of providing to the holder or owner a consideration of greater value than that offered to the other holders of the same class of securities.

Increasing consideration

(3) Where a variation in the terms of a take-over bid or issuer bid before the expiry of the bid increases the value of the consideration offered for the securities subject to the bid, the offeror shall pay such increased consideration to each person or company whose securities are taken up pursuant to the bid, whether or not such securities were taken up by the offeror before the variation.

Offeror's circular

97.—(1) An offeror shall deliver, with or as part of a take-over bid or issuer bid, a take-over bid circular or issuer bid circular, as the case may be.

Notice of change in information

(2) Where, before the expiry of a take-over bid or issuer bid or after the expiry of the bid but before the expiry of all rights to withdraw the relevant securities, a change has occurred in the information contained in a take-over bid circular or issuer bid circular or in any notice of change or notice of variation that would reasonably be expected to affect the decision of the holders of the securities of the offeree issuer to accept or reject the bid, a notice of the change shall be delivered to every person or company to whom the circular was required to be delivered and whose securities were not taken up at the date of the occurrence of the change.

Idem

(3) Subsection (2) does not apply to a change that is not within the control of the offeror or of an affiliate of the offeror unless it is a change in a material fact relating to the securities being offered in exchange for securities of the offeree issuer.

Variation in terms of bid

(4) Where there is a variation in the terms of a take-over bid or issuer bid, including any extension of the period during which securities may be deposited thereunder and whether or

not the variation results from the exercise of any right contained in the bid, a notice of the variation shall be delivered to every person or company to whom the take-over bid circular or issuer bid circular was required to be delivered and whose securities were not taken up at the date of the variation.

Idem

(5) Subject to subsection (6), where there is a variation in the terms of a take-over bid or issuer bid, the period during which securities may be deposited pursuant to the bid shall not expire before ten days after the notice of variation has been delivered.

Idem

(6) Subsection (5) does not apply to a variation in the terms of a bid consisting solely of the waiver of a condition in the bid where the consideration offered for the securities that are subject to the bid consists solely of cash.

Content

(7) A take-over bid circular, issuer bid circular, notice of change and notice of variation shall be in the form and shall contain the information required by this Part and the regulations.

Directors' circular

98.—(1) Where a take-over bid has been made, a directors' circular shall be prepared and delivered by the board of directors of an offeree issuer to every person and company to whom a take-over bid must be delivered under paragraph 1 of section 94, not later than ten days after the date of the bid.

Recommendation by board

(2) The board of directors shall include in a directors' circular either a recommendation to accept or to reject a take-over bid and the reasons for their recommendation, or a statement that they are unable to make or are not making a recommendation and if no recommendation is made, the reasons for not making a recommendation.

Individual officer's or director's circular

(3) An individual director or officer may recommend acceptance or rejection of a take-over bid if the director or officer delivers with the recommendation a circular prepared in accordance with the regulations.

Advising of consideration

(4) Where a board of directors is considering recommending acceptance or rejection of a take-over bid, it shall, at the time of sending or delivering a directors' circular, advise the security holders of this fact and may advise them not to tender their securities until further communication is received from the directors.

Advising of decision of directors

(5) Where subsection (4) applies, the board of directors shall deliver the recommendation or the decision not to make

a recommendation at least seven days before the scheduled expiry of the period during which securities may be deposited under the bid.

Notice of change

(6) Where, before the expiry of a take-over bid or after the expiry of the bid but before the expiry of all rights to withdraw the securities that have been deposited under the bid,

(a) a change has occurred in the information contained in a directors' circular or in any notice of change to a directors' circular that would reasonably be expected to affect the decision of the holders of the securities to accept or reject the bid, the board of directors of the offeree issuer shall forthwith deliver a notice of the change to every person or company to whom the circular was required to be sent disclosing the nature and substance of the change; or

(b) a change has occurred in the information contained in an individual director's or officer's circular or any notice of change thereto that would reasonably be expected to affect the decision of the holders of the securities to accept or reject the bid, other than a change that is not within the control of the individual director or officer, as the case may be, the individual director or officer, as the case may be, shall forthwith deliver a notice of change in relation thereto to the board of directors.

Circulation of individual circulars and notices

(7) Where an individual director or officer submits a circular under subsection (3) or a notice of change under clause (6) (b) to the board of directors, the board, at the offeree issuer's expense, shall deliver a copy of the circular or notice to the persons and companies referred to in subsection (1).

Content

(8) A directors' circular, director's or officer's circular and a notice of change shall be in the form and contain the information required by this Part and the regulations.

Delivery to offeree issuer

99.—(1) A take-over bid and any notice of change or variation shall be filed and shall be delivered to the offeree issuer at its principal office and an issuer bid and any notice of change or variation shall be filed on the day such bid or notice is delivered to holders of securities of the offeree issuer, or as soon as practicable thereafter.

Delivery to offeree issuer and Commission

(2) Every directors' circular and every individual director's or officer's circular or any notice of change in relation thereto that is delivered to security holders of an offeree issuer shall be filed and shall be delivered to the offeror at its principal

office on the day the directors' circular or individual director's or officer's circular or the notice of change is delivered to the holders of securities of the offeree issuer, or as soon as practicable thereafter.

Delivery and date of bid, etc.

(3) A take-over bid or issuer bid, a take-over bid circular, an issuer bid circular, a directors' circular, an individual director's or officer's circular and every notice of change or variation in any such bid or circular shall be mailed by prepaid first class mail or delivered by personal delivery or in such other manner as the Director may approve to the intended recipient and any bid, circular or notice so mailed or delivered shall be deemed to have been delivered and such bid, circular or notice shall be deemed conclusively for the purposes of sections 94, 97 and 98 and this section to have been dated as of the date on which it was so mailed or delivered to all or substantially all of the persons and companies entitled to receive it.

Securities, reports of acquisitions

100.—(1) Every offeror that acquires beneficial ownership of, or the power to exercise control or direction over, or securities convertible into, voting or equity securities of any class of a reporting issuer that, together with such offeror's securities of that class, would constitute 10 per cent or more of the outstanding securities of that class,

(a) shall issue and file forthwith a press release containing the information prescribed by the regulations; and

(b) within two business days, shall file a report containing the same information as is contained in the press release issued under clause (a).

Change in material facts

(2) Where an offeror is required to file a report under subsection (1) or a further report under this subsection and the offeror or any person acting jointly or in concert with the offeror acquires beneficial ownership of, or the power to exercise control or direction over, or securities convertible into, an additional 2 per cent or more of the outstanding securities of the class or there is a change in any other material fact in such a report, the offeror,

(a) shall issue and file forthwith a press release containing the information prescribed by the regulations; and

(b) within two business days, shall file a report containing the same information as is contained in the press release issued under clause (a).

Restrictions on acquisitions

(3) During the period commencing on the occurrence of an event in respect of which a report or further report is required to be filed under this section and terminating on the expiry of one business day from the date that the report or further report is filed, neither the offeror nor any person or company acting jointly or in concert with the offeror shall acquire or offer to acquire beneficial ownership of any securities of the class in respect of which the report or further report is required to be filed or any securities convertible into securities of that class.

Exception

(4) Subsection (3) does not apply to an offeror that is the beneficial owner of, or has the power to exercise control or direction over, securities that, together with such offeror's securities of that class, constitute 20 per cent or more of the outstanding securities of that class.

Press release re acquisitions by person other than offeror during bid

100a.—(1) Where, after a formal bid has been made for voting or equity securities of an offeree issuer that is a reporting issuer and before the expiry of the bid, an offeror, other than the person or company making the bid, acquires beneficial ownership of, or the power to exercise control or direction over, securities of the class subject to the bid which, when added to such offeror's securities of that class, constitute 5 per cent or more of the outstanding securities of that class, the offeror shall, not later than the opening of trading on the next business day, issue a press release containing the information prescribed by the regulations and, forthwith, the offeror shall file a copy of the press release.

Further press releases

(2) Where an offeror that has filed a press release under subsection (1) or a further press release under this subsection or any person or company acting jointly or in concert with the offeror acquires beneficial ownership of, or control or direction over, securities of the class subject to the bid which, when added to the securities of that class acquired after the filing of the press release by the offeror and any person or company acting jointly or in concert with the offeror, aggregates an additional 2 per cent or more of the class of outstanding securities, the offeror shall, not later than the opening of trading on the next business day, issue a further press release containing the information prescribed by the regulations and, forthwith, the offeror shall file a copy of the press release.

No duplication of reports

100b. Where the facts required to be reported or in respect of which a press release is required to be filed under sections 100 and 100a are identical, a report or press release is required only under the provision requiring the earlier report or press release, as the case may be.

100c.—(1) Where, on the application of an interested person, it appears to the Commission that a person or company has not complied or is not complying with this Part or the regulations related to this Part, it may issue, subject to such terms and conditions as it may impose, an order, Applications to the Commission

(a) restraining the distribution of any document used or issued in connection with a take-over bid or issuer bid;

(b) requiring an amendment to or variation of any document used or issued in connection with a take-over bid or issuer bid and requiring the distribution of any amended, varied or corrected document; and

(c) directing any person or company to comply with this Part or the regulations related to this Part or restraining any person or company from contravening this Part or the regulations related to this Part and directing the directors and senior officers of the person or company to cause the person or company to comply with or to cease contravening this Part or the regulations related to this Part.

(2) Upon an application by any interested person, the Commission may, subject to such terms and conditions as it may impose, Idem

(a) decide for the purposes of subsection 96 (2) that an agreement, commitment or understanding with a selling security holder is made for reasons other than to increase the value of the consideration paid to the selling security holder for the securities of the selling security holder and that the agreement, commitment or understanding may be entered into notwithstanding that subsection;

(b) vary any time period set out in this Part and the regulations related to this Part; and

(c) exempt any person or company from any of the requirements of this Part or the regulations related to this Part where the Commission is satisfied that to do so would not be prejudicial to the public interest.

100d.—(1) An interested person may apply to the High Court for an order under this section. Applications to the High Court

Idem

(2) Where, on an application under subsection (1), the judge hearing the application is satisfied that a person or company has not complied with this Part or the regulations related to this Part, the judge may make such interim or final order as the judge thinks fit, including, without limiting the generality of the foregoing,

(a) an order compensating any interested person who is a party to the application for damages suffered as a result of a contravention of this Part or the regulations related to this Part;

(b) an order rescinding a transaction with any interested person, including the issue of a security or a purchase and sale of a security;

(c) an order requiring any person or company to dispose of any securities acquired pursuant to or in connection with a take-over bid or an issuer bid;

(d) an order prohibiting any person or company from exercising any or all of the voting rights attaching to any securities; and

(e) an order requiring the trial of an issue.

Transition

100e. This Part and section 129 and the regulations related thereto, as they read immediately before the coming into force of this section, shall continue to apply in respect of every take-over bid and issuer bid commenced before the coming into force of this section.

9. Section 103 of the said Act is repealed.

10.—(1) Subsection 118 (1) of the said Act is amended by striking out "and on conviction is liable, in the case of a person, other than an individual, or company, to a fine of not more than $25,000 and, in the case of an individual, to a fine of not more than $2,000 or to imprisonment for a term of not more than one year, or to both" in the twenty-first, twenty-second, twenty-third, twenty-fourth and twenty-fifth lines and inserting in lieu thereof "and on conviction is liable to a fine of not more than $1,000,000 or to imprisonment for a term of not more than two years, or to both".

(2) Subsection 118 (3) of the said Act is repealed and the following substituted therefor:

Directors and officers

(3) Where a company or a person other than an individual is guilty of an offence under subsection (1), every director or

officer of such company or person who authorized, permitted, or acquiesced in such offence is also guilty of an offence and on conviction is liable to a fine of not more than $1,000,000 or to imprisonment for a term of not more than two years, or to both.

Fine for contravention of subs. 75 (1, 2 or 3)

(4) Where a person or company has contravened subsection 75 (1), (2) or (3) and the person or company has made a profit by reason of the contravention, the fine to which the person or company is liable on conviction shall be not less than the profit made by the person or company by reason of the contravention and not more than the greater of,

(a) $1,000,000; and

(b) an amount equal to triple the profit made by such person or company by reason of the contravention,

and subsection (1) does not apply in such circumstances.

Definition

(5) For the purposes of subsection (4), "profit" means,

(a) if the accused purchased securities in contravention of subsection 75 (1), the average market price of the security in the twenty trading days following general disclosure of the material fact or material change less the amount that the accused paid for the security;

(b) if the accused sold securities in contravention of subsection 75 (1), the amount that the accused received for the security less the average market price of the security in the twenty trading days following general disclosure of the material fact or material change;

(c) if the accused informed another person or company of a material fact or material change in contravention of subsection 75 (2) or (3) and received any direct or indirect consideration for providing such information, the value of the consideration received.

11.—(1) Subsections 127 (1), (2), (3) and (4) of the said Act are repealed and the following substituted therefor:

Liability for misrepresentation in circular

(1) Where a take-over bid circular sent to the security holders of an offeree issuer as required by Part XIX or any notice of change or variation in respect thereof contains a misrepresentation, every such security holder shall be deemed to have

relied on the misrepresentation and may elect to exercise a right of action for rescission or damages against the offeror or a right of action for damages against,

(a) every person who at the time the circular or notice, as the case may be, was signed was a director of the offeror;

(b) every person or company whose consent in respect of the circular or notice, as the case may be, has been filed pursuant to a requirement of the regulations but only with respect to reports, opinions or statements that have been made by the person or company; and

(c) each person who signed a certificate in the circular or notice, as the case may be, other than the persons included in clause (a).

Idem

(2) Where a directors' circular or a director's or officer's circular delivered to the security holders of an offeree issuer as required by Part XIX or any notice of change or variation in respect thereof contains a misrepresentation, every such security holder shall be deemed to have relied on the misrepresentation and has a right of action for damages against every director or officer who signed the circular or notice that contained the misrepresentation.

Idem

(3) Subsection (1) applies with necessary modifications where an issuer bid circular or any notice of change or variation in respect thereof contains a misrepresentation.

Defence

(4) No person or company is liable under subsection (1), (2) or (3) if the person or company proves that the security holder had knowledge of the misrepresentation.

(2) Subsections 127 (10) and (11) of the said Act are repealed and the following substituted therefor:

Deemed take-over bid circular or issuer bid circular

(10) Where the offeror,

(a) in a take-over bid exempted from the provisions of Part XIX by clause 92 (1) (a); or

(b) in an issuer bid exempted from the provisions of Part XIX by clause 92 (3) (e),

is required, by the by-laws, regulations or policies of the stock exchange through the facilities of which the take-over bid or issuer bid is made, to file with it or to deliver to security hold-

ers of the offeree issuer a disclosure document, the disclosure document shall be deemed, for the purposes of this section, to be a take-over bid circular or issuer bid circular, as the case may be, delivered to the security holders as required by Part XIX.

No derogation of rights

(11) The right of action for rescission or damages conferred by this section is in addition to and without derogation from any other right the security holders of the offeree issuer may have at law.

12. Section 129 of the said Act is repealed.

13. Section 130 of the said Act is repealed and the following substituted therefor:

Liability of dealer or offeror

130. A purchaser of a security to whom a prospectus was required to be sent or delivered but was not sent or delivered in compliance with subsection 70 (1) or a security holder to whom a take-over bid and take-over bid circular or an issuer bid and an issuer bid circular, or any notice of change or variation to any such bid or circular, were required to be delivered but were not delivered in compliance with section 94 or section 97 has a right of action for rescission or damages against the dealer or offeror who failed to comply with the applicable requirement.

14.—(1) Subsections 131 (1) and (2) of the said Act are repealed and the following substituted therefor:

Liability where material fact or change undisclosed

(1) Every person or company in a special relationship with a reporting issuer who purchases or sells securities of the reporting issuer with knowledge of a material fact or material change with respect to the reporting issuer that has not been generally disclosed is liable to compensate the seller or purchaser of the securities, as the case may be, for damages as a result of the trade unless,

(a) the person or company in the special relationship with the reporting issuer proves that the person or company reasonably believed that the material fact or material change had been generally disclosed; or

(b) the material fact or material change was known or ought reasonably to have been known to the seller or purchaser, as the case may be.

Liability for tipping

(2) Every,

(a) reporting issuer;

(b) person or company in a special relationship with a reporting issuer; and

(c) person or company that proposes,

(i) to make a take-over bid, as defined in Part XIX, for the securities of a reporting issuer,

(ii) to become a party to a reorganization, amalgamation, merger, arrangement or similar business combination with a reporting issuer, or

(iii) to acquire a substantial portion of the property of a reporting issuer,

and who informs another person or company of a material fact or material change with respect to the reporting issuer that has not been generally disclosed is liable to compensate for damages any person or company that thereafter sells securities of the reporting issuer to or purchases securities of the reporting issuer from the person or company that received the information unless,

(d) the person or company who informed the other person or company proves that the informing person or company reasonably believed the material fact or material change had been generally disclosed;

(e) the material fact or material change was known or ought reasonably to have been known to the seller or purchaser, as the case may be;

(f) in the case of an action against a reporting issuer or a person in a special relationship with the reporting issuer, the information was given in the necessary course of business; or

(g) in the case of an action against a person or company described in subclause (c) (i), (ii) or (iii), the information was given in the necessary course of business to effect the take-over bid, business combination or acquisition.

(2) Subsection 131 (4) of the said Act is repealed and the following substituted therefor:

Accountability for gain

(4) Every person or company who is an insider, affiliate or associate of a reporting issuer that,

(a) sells or purchases the securities of the reporting issuer with knowledge of a material fact or material change with respect to the reporting issuer that has not been generally disclosed; or

(b) communicates to another person, other than in the necessary course of business, knowledge of a material fact or material change with respect to the reporting issuer that has not been generally disclosed,

is accountable to the reporting issuer for any benefit or advantage received or receivable by the person or company as a result of the purchase, sale or communication, as the case may be, unless the person or company proves that the person or company reasonably believed that the material fact or material change had been generally disclosed.

(3) Subsection 131 (7) of the said Act is repealed and the following substituted therefor:

(7) For the purposes of this section, "a person or company in a special relationship with a reporting issuer" has the same meaning as in subsection 75 (5). Definition

(8) For the purposes of subsections (1) and (2), a security of the reporting issuer shall be deemed to include, Idem

(a) a put, call, option or other right or obligation to purchase or sell securities of the reporting issuer; or

(b) a security, the market price of which varies materially with the market price of the securities of the issuer.

15.—(1) Section 139 of the said Act is amended by adding thereto the following paragraph:

18a. prescribing terms and conditions upon which a person or company may be designated as a recognized clearing agency.

(2) The said section 139 is further amended by adding thereto the following paragraph:

28a. respecting any matter necessary or advisable to carry out effectively the intent and purpose of sections 75 and 131, including, without restricting the generality of the foregoing, exempting any class or classes of persons and companies, trades or securi-

ties from any of the requirements of section 75 and from liability under section 131 and prescribing standards for determining when a material fact or material change has been generally disclosed.

(3) Paragraphs 32 and 33 of the said section 139 are repealed and the following substituted therefor:

32. respecting any other matter necessary or advisable to carry out effectively the intent and purpose of Parts XIX and XX, including, without restricting the generality of the foregoing, providing for exemptions in addition to those set out in subsections 92 (1) and (3), providing for exemptions from section 93, restricting any exemption set out in subsection 92 (1) or (3) or section 93, prescribing rules in addition to those set out in section 94 and varying any rule set out in that section and prescribing the form and content of any circular, report or other document required to be delivered or filed.

Commencement

16. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

17. The short title of this Act is the *Securities Amendment Act, 1987*.

CHAPTER 8

An Act to amend the Insurance Act

Assented to February 12th, 1987

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 27 (2) of the *Insurance Act*, being chapter 218 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(2) An insurer licensed to carry on fire insurance may insure an automobile against loss or damage under a policy falling within Part IV. Insurance of automobiles

2. Subsection 28 (3) of the said Act is amended by striking out "other than mercantile and manufacturing" in the third and fourth lines.

3. Subsection 98 (1) of the said Act, as amended by the Statutes of Ontario, 1986, chapter 67, section 8, is further amended by adding thereto the following clauses:

(ea) prescribing and defining the terms and conditions upon which a mutual insurance corporation that is a participant in the Fire Mutuals Guarantee Fund may invest its funds in the fully paid shares of a joint stock insurance company;

(eb) prescribing and defining the terms and conditions upon which an insurer may invest its funds in the fully paid voting shares of a dealer within the meaning of the *Securities Act*. R.S.O. 1980, c. 466

4. Section 130 of the said Act is amended by adding thereto the following subsection:

(3a) Notwithstanding subsection (1), sections 142, 143 and 146 also apply to a joint stock insurance company if all of the shares of the company are owned by one or more mutual insurance corporations that participate in the Fire Mutuals Guarantee Fund. Idem

5.—(1) Section 143 of the said Act is amended by adding thereto the following subsection:

Idem

(4a) For the purposes of subsection (4) and subsection 142 (1), mutual insurance corporations that participate in the Fire Mutuals Guarantee Fund and joint stock insurance companies that participate in the Fund shall be deemed to be in the same class.

(2) Subsection 143 (5) of the said Act is amended by inserting after "Fund" in the third line "and no joint stock insurance company that participates in the Fund".

6. Subsection 146 (2) of the said Act is repealed and the following substituted therefor:

Parties to agreement for Fund

(2) Subject to the approval of the Superintendent, the following parties may enter into the agreement under subsection (1):

1. Insurers licensed to transact business on the premium note plan.

2. Joint stock insurance companies all the shares of which are owned by one or more mutual insurance corporations that participate in the Fund.

3. Mutual insurance corporations incorporated under subsection 148 (3) of the *Corporations Act*.

R.S.O. 1980, c. 95

7. Section 387 of the said Act is amended by inserting after "society" in the fourth line "a mutual insurance corporation that participates in the Fire Mutuals Guarantee Fund".

8.—(1) Subclause 388 (1) (a) (i) of the said Act is amended by striking out "the Republic of South Africa" in the second line.

(2) Section 388 of the said Act is amended by adding thereto the following subsection:

Idem

(8a) Notwithstanding anything in subsection (1) or section 390, but subject to the approval of the Minister and to such terms and conditions as may be prescribed by the Lieutenant Governor in Council, a mutual insurance corporation that participates in the Fire Mutuals Guarantee Fund may invest in the fully paid shares of any joint stock insurance company incorporated in Ontario that is not licensed to undertake contracts of life insurance if, after the investment, all the shares of the joint stock insurance company will be owned by one or

more mutual insurance corporations that participate in the Fund.

9. **Section 389 of the said Act is amended by inserting after "society" in the second line "a mutual insurance corporation that participates in the Fire Mutuals Guarantee Fund".**

10. **Section 390 of the said Act, as amended by the Statutes of Ontario, 1986, chapter 70, section 32, is further amended by adding thereto the following subsections:**

Securities dealers

(2) Subject to such terms and conditions as may be prescribed by the Lieutenant Governor in Council, an insurer, with the approval of the Superintendent, may invest its funds in the fully paid voting shares of a dealer within the meaning of the *Securities Act*.

R.S.O. 1980, c. 466

Non-application of subs. (1) (c, d)

(3) Clauses (1) (c) and (d) do not apply to an investment under subsection (2).

Definition

(4) For the purposes of this section and regulations made under clause 98 (eb), "voting share" means a share of any class of shares of a corporation carrying voting rights under all circumstances and a share of any class of shares carrying voting rights by reason of the occurrence of any contingency that has occurred and is continuing.

Commencement

11. **This Act comes into force on the day it receives Royal Assent.**

Short title

12. **The short title of this Act is the *Insurance Amendment Act, 1987*.**

CHAPTER 9

An Act to amend the County of Oxford Act

Assented to February 12th, 1987

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 10 of the *County of Oxford Act*, being chapter 365 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

Certificates of qualification

(2a) Where a person is elected or appointed to represent an area municipality as a member of the County Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the County the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the County has received such a certificate in respect of that person.

2. Subsection 22 (4) of the said Act is repealed.

3. Section 73 of the said Act is repealed.

4. Clause 99 (c) of the said Act is amended by striking out "at a public meeting of the County Council" in the third and fourth lines and inserting in lieu thereof "in such manner as may be prescribed by by-law of the County Council".

5. Subsection 117 (4) of the said Act is repealed and the following substituted therefor:

Application of R.S.O. 1980, c. 65

(4) The County shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

6. The said Act is amended by adding thereto the following Part:

PART XII

TILLSONBURG-NORFOLK ANNEXATIONS

Definitions

139. In this Part,

"area annexed to the Town" means the land annexed to the Town under clause 140 (a);

"area annexed to the Township" means the land annexed to the Township under clause 140 (b);

"Tillsonburg-Norfolk Annexation Agreement" means the agreement set out in the Tillsonburg-Norfolk Negotiating Committee *Recommendation for Agreement*, signed the 15th day of April, 1985, as amended and adopted by the Town, by by-law no. 2312 passed the 23rd day of September, 1985, by the Township, by by-law 873-85 passed the 9th day of September, 1985, by the County, by by-law 2600-85 passed the 25th day of September, 1985, and by The Regional Municipality of Haldimand-Norfolk, by by-law 143-85 passed the 26th day of September, 1985;

"Town" means The Corporation of the Town of Tillsonburg;

"Township" means The Corporation of the Township of Norfolk.

Annexations

140. On the day this Part comes into force,

(a) the portion of the Township of Norfolk described in Schedule A is annexed to the Town; and

(b) the portion of the Town of Tillsonburg described in Schedule B is annexed to the Township.

Application of by-laws

141.—(1) Subject to subsections (2) and (3),

(a) the by-laws of the County and of the Town extend to the area annexed to the Town; and

(b) the by-laws of The Regional Municipality of Haldimand-Norfolk and of the Township extend to the area annexed to the Township.

Idem

(2) The following by-laws of The Regional Municipality of Haldimand-Norfolk and of the Township remain in force in the area annexed to the Town until amended or repealed by the County Council or by the council of the Town, as the case may be:

1. By-laws relating to highways.

2. By-laws passed under section 34 of the *Planning Act, 1983* or under any predecessor of that section. 1983, c. 1

3. By-law 87-75 of the Township.

4. By-laws that apply to any of the annexed lands that could not have been repealed by the Regional Council or the council of the Township.

Idem

(3) The by-laws of the County and of the Town passed under section 34 of the *Planning Act, 1983* or a predecessor of that section remain in force in the area annexed to the Township until amended or repealed by the council of The Regional Municipality of Haldimand-Norfolk or the Township, as the case may be.

Official plan

(4) Until amended or repealed by the council of The Regional Municipality of Haldimand-Norfolk, the provisions of the official plan of the County that pertain to the area annexed to the Township shall be deemed to be provisions of the official plan of the Haldimand-Norfolk Planning Area.

Power to enter and implement agreement

142.—(1) The Town, the Township, the County and The Regional Municipality of Haldimand-Norfolk and those negotiating on their behalf shall be deemed to have always had the power to negotiate and enter the Tillsonburg-Norfolk Annexation Agreement and the Town, the Township, the County and The Regional Municipality of Haldimand-Norfolk may implement the agreement in accordance with its terms.

Idem

(2) Without restricting the generality of subsection (1),

(a) all taxes, rates and charges levied by the Township with respect to the area annexed to the Town before the effective date of the annexation and uncollected as of that date shall be deemed to be owing to the Town and may be collected by the Town in the same manner and with the same remedies as taxes owing to the Town; and

(b) the Township shall be deemed to have been substituted for the Township with respect to loans made to or by the Township under section 3 of the *Housing Development Act* with respect to the area annexed to the Town. R.S.O. 1980, c. 209

Effective date of agreement

(3) The Tillsonburg-Norfolk Annexation Agreement comes into effect on the day this Part comes into force.

7. The said Act is further amended by adding thereto the following Schedules:

SCHEDULE A

That portion of the Township of Norfolk described as follows is annexed to the Town of Tillsonburg:

COMMENCING at the intersection of the southerly boundary of the Town of Tillsonburg and the westerly limit of the King's Highway Number 19;

THENCE southerly along the westerly limit of the said King's Highway to intersect a line measured westerly at right angles from a point in the easterly limit of the said King's Highway distant 121.92 metres measured northerly therealong from the westerly limit of Lot 7 in Concession IV North of Talbot Road of the former Township of Middleton;

THENCE easterly along the said line to a point distant 60.96 metres from the easterly limit of the said King's Highway;

THENCE southerly and parallel with the easterly limit of the said King's Highway to the westerly limit of the said Lot 7;

THENCE southeasterly along the westerly limit of the said Lot 7 to a point distant 646.78 metres measured northwesterly therealong from the southerly angle of the said Lot 7;

THENCE northeasterly along a line measured at right angles from the westerly limit of the said Lot 7 to the westerly limit of Lot 8 in the said Concession IV;

THENCE southeasterly along the westerly limit of the said Lot 8 and the said westerly limit prolonged to the southeasterly limit of the road allowance between concessions III and IV North of Talbot Road;

THENCE northeasterly along the southeasterly limit of the said road allowance to the northerly angle of Lot 10 in Concession III North of Talbot Road;

THENCE northwesterly to and along the easterly limit of Lot 10 in Concession IV North of Talbot Road of the former Township of Middleton to an angle of the Town of Tillsonburg;

THENCE westerly along the southerly boundary of the said Town to the point of commencement.

SCHEDULE B

That portion of the Town of Tillsonburg described as follows is annexed to the Township of Norfolk:

COMMENCING at the intersection of the southerly boundary of the Town of Tillsonburg and the westerly limit of the King's Highway Number 19;

THENCE northerly along the westerly limit of the said King's Highway to the southerly limit of the right of way of the Canadian National Railways;

THENCE westerly along the southerly limit of the said right of way to the westerly limit of Lot 7 in Concession IV North of Talbot Road of the former Township of Middleton;

THENCE southeasterly along the westerly limit of the said Lot 7 to the southerly boundary of the Town of Tillsonburg;

THENCE easterly along the southerly boundary of the said Town to the point of commencement.

Transition

8. The assessment of land in the areas described in Schedules A and B to the *County of Oxford Act*, as enacted by section 7 of this Act, upon which taxes shall be levied in the year 1987 after section 7 comes into force shall be determined by the assessment commissioner and section 34 of the *Assessment Act* applies.

Commencement

9.—(1) This Act, except sections 6, 7 and 8, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 6, 7 and 8 come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

10. The short title of this Act is the *County of Oxford Amendment Act, 1987*.

CHAPTER 10

An Act to amend the Municipal Act and certain other Acts related to Municipalities

Assented to February 12th, 1987

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

AMENDMENTS TO THE *MUNICIPAL ACT*

1.—(1) Paragraph 22 of subsection 1 (1) of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

22. "regular election" means an election required to be held under section 10 of the *Municipal Elections Act*. R.S.O. 1980, c. 308

(2) Paragraph 28 of the said subsection 1 (1) is repealed.

(3) Section 1 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 19, section 4, 1982, chapter 50, section 1 and 1986, chapter 64, section 37, is further amended by adding thereto the following subsection:

(3) For the purposes of this Act, a local municipality is in unorganized territory if it is in a territorial district mentioned in the *Territorial Division Act* and if it is not in The District of Muskoka or The Regional Municipality of Sudbury. Unorganized territory R.S.O. 1980, c. 497

2.—(1) Subsections 30 (1) and (2) of the said Act are repealed and the following substituted therefor:

(1) The council of a city shall be composed of a mayor, the members of the board of control if the city has such a board, and the following number of other members of council: City councils

(a) three members for each ward; or

(b) where the council by by-law so provides, two members for each ward; or

(c) in the case of a city having a population of not more than 15,000, where the council by by-law so provides, one member for every 1,000 of the population up to but not exceeding the maximum number provided by by-law.

By-law for election by general vote

(2) In the case provided for by clause (1) (c), or where the council of a city having a population of more than 15,000 by by-law so provides, the members of council to be elected under that clause shall be elected by general vote, and in the latter case the number of members shall be the same as if they were elected by wards.

(2) Section 30 of the said Act is amended by adding thereto the following subsections:

"Alderman"

(8) The members of the council of a city, other than the mayor and members of the board of control, shall have the title "alderman".

"Councillor"

(9) Notwithstanding subsection (8) or any other Act, the council of a city may by by-law change the title "alderman" to "councillor" or *vice versa*.

Idem

(10) A by-law to change the title "alderman" to "councillor" or *vice versa* passed after the 30th day of June in the year of a regular election and before the 1st day of December in that year is of no effect.

Idem

(11) Not more than one by-law shall be passed during the term of a council to change the title of members of the council.

Idem

(12) Subsection (8) does not apply to the office of metropolitan councillor in the City of Toronto.

Idem

(13) Subsections (9) to (11) apply with necessary modifications to the change of the title "city alderman" to "city councillor" in the City of Toronto and *vice versa*.

3. Section 48 of the said Act is repealed and the following substituted therefor:

Declaration that all seats vacant

48.—(1) If, because of a failure to obtain a quorum, the council of a municipality or a local board thereof is unable to hold a meeting, or a subsequent meeting within sixty days of the meeting that was not held, the Minister may by order

declare all the seats of the members of the council or local board, as the case may be, to be vacant and a new election shall be held in accordance with section 92 of the *Municipal Elections Act*. R.S.O. 1980, c. 308

(2) If the Minister makes an order under subsection (1) or the seats of a majority of the members of a council or of a local board are for any reason declared vacant, the Minister may by order provide for the fulfilling of the duties and obligations of the council or local board until such time as a new election is held in accordance with section 92 of the *Municipal Elections Act*, and the members so elected have taken office. Interim administration

4. Section 59 of the said Act is repealed.

5. Subsection 72 (2) of the said Act is repealed and the following substituted therefor:

(2) When the head of council is absent or refuses to act, or the office is vacant, the council may by resolution appoint one of its members to act in the place and stead of the head of council and while so acting, the member has and may exercise all the rights, powers and authority of the head of council. Acting head

6. Subsection 77 (4) of the said Act is repealed.

7. The said Act is amended by adding thereto the following sections:

78a.—(1) Notwithstanding subsection 77 (1), the Archivist of Ontario and a municipal council may agree that any document of the municipality may be transferred to and kept by the Archivist. Transfer of documents to Archivist

(2) The Archivist of Ontario and a local board, as defined in the *Municipal Affairs Act*, may agree that any document of the local board may be transferred to and kept by the Archivist. Idem R.S.O. 1980, c. 303

(3) Where a council or local board agrees under subsection (1) or (2) to transfer the original of a by-law that, at the time of the transfer, is still in force or the operation of which is not spent, the clerk shall obtain and keep, until such time as the by-law is no longer in force or is spent, a photographic copy of the by-law. Copies of certain by-laws to be kept

(4) In this section and section 78b, "document" includes originals of by-laws, resolutions, books, records, accounts and papers of any nature. Definition

Certified copies of documents receivable in evidence

78b.—(1) A copy of any document in the possession or under the control of the clerk of a municipality purporting to be certified by the clerk and under the seal of the corporation may be filed and used in any court or tribunal in lieu of the original and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court or tribunal otherwise directs.

Idem

(2) A copy of any document kept by the Archivist under subsection 78a (1) or (2) and certified by the Archivist may be filed and used in any court or tribunal in lieu of the original and shall be received in evidence without proof of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court or tribunal otherwise directs.

8. Subsection 87 (2) of the said Act is repealed.

9. Subsection 98 (5) of the said Act is repealed and the following substituted therefor:

Costs in legal proceedings R.S.O. 1980, c. 303

(5) Notwithstanding any other Act, in any proceeding to which a municipality or local board, as defined in the *Municipal Affairs Act*, is a party, costs adjudged to the municipality or local board shall not be disallowed or reduced merely because the solicitor or the counsel who earned the costs, or in respect of whose services the costs are charged, was a salaried officer of the municipality or local board or of a municipality acting on behalf of the local board performing the services in the discharge of the solicitor's or counsel's duty and remunerated therefor by a salary, and for that or any other reason was not entitled to recover any costs from the municipality or local board in respect of the services rendered, and,

(a) the costs recovered by or on behalf of the municipality shall form part of the general funds of the municipality; and

(b) the costs recovered by or on behalf of the local board shall form part of the general funds of the local board.

10.—(1) Subsection 100 (1) of the said Act is repealed and the following substituted therefor:

Retirement allowance

(1) A council may grant an annual retirement allowance, payable weekly, monthly or otherwise, to an employee, during the employee's life, who has had continuous service for at least twenty years with the municipality or with the municipal-

ity and any other municipality or local board as defined in the *Municipal Affairs Act* or any two or more of them and who, R.S.O. 1980, c. 303

(a) is retired because of age; or

(b) while in the service of any municipality or local board has become incapable of working through illness or otherwise.

(2) Subsection 100 (5) of the said Act is repealed.

11. Section 117 of the said Act is amended by adding thereto the following subsection:

(7) Notwithstanding any special Act, the approval of the Minister or Ministry is not required to amend any by-law of a municipality related to an approved pension plan. By-laws under special Acts, approval not required

12. Section 120 of the said Act is repealed.

13. Subsection 126 (3) of the said Act is amended by striking out "without the assent of the electors" in the third and fourth lines.

14. Section 127 of the said Act is repealed.

15. Subsection 132 (2) of the said Act is repealed and the following substituted therefor:

(2) Instead of publishing a copy of the proposed by-law, the council may publish a synopsis of it. Synopsis

16. Section 135 of the said Act is repealed.

17. Subsection 137 (2) of the said Act is repealed and the following substituted therefor:

(2) Instead of publishing a true copy of the by-law, the council may publish a synopsis of it. Synopsis

18. Subsection 148 (4) of the said Act is amended by striking out "without the assent of the electors but" in the sixth line.

19. Section 151 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 50, section 16, is repealed.

20.—(1) Clause (b) of paragraph 46 of section 208 of the said Act is repealed.

(2) Paragraphs 48 and 49 of the said section 208 are repealed and the following substituted therefor:

Insurance, hospitalization, etc. R.S.O. 1980, cc. 197, 218, 388

48. Subject to the *Health Insurance Act*, for providing by contract either with an insurer licensed under the *Insurance Act* or with an association registered under the *Prepaid Hospital and Medical Services Act*,

i. group life insurance for employees or retired employees or any class or classes thereof,

ii. group accident insurance or group sickness insurance for employees or retired employees or any class or classes thereof and their spouses and children, and

iii. hospital, medical, surgical, nursing or dental services or payment therefor for employees or retired employees or any class or classes thereof and their spouses and children,

and for paying the whole or part of the cost thereof.

(a) In this paragraph,

(i) "employee" means an employee as defined in paragraph 46, and

(ii) "retired employee" means a person who was formerly a salaried officer, clerk, worker, servant or other person in the employ of the municipality or of a local board and includes a former member of the police force of the municipality and any person or class of person designated as an employee by the Minister.

(b) Any local board may provide insurance and hospital, medical, surgical, nursing or dental services and payment therefor in the same manner and for the same classes of persons as the council of a municipality, and the provisions of this paragraph apply with necessary modifications thereto.

Contributions to plans under R.S.O. 1980, c. 197

49. For paying the whole or part of the cost to employees or retired employees of the plan of hospital care insurance or of health services insurance provided for under the *Health Insurance Act*.

(a) In this paragraph, "employee" means an employee as defined in paragraph 46 and "retired employee"

means a retired employee as defined in subclause (a) (ii) of paragraph 48.

(b) Any local board may contribute toward the cost to employees or retired employees of the plan of hospital care insurance or of health services insurance provided for under the *Health Insurance Act* and the provisions of this paragraph apply with necessary modifications thereto. R.S.O. 1980, c. 197

(3) Paragraph 58 of the said section 208 is repealed and the following substituted therefor:

58. For entering into any agreement with Her Majesty in right of Ontario respecting regional economic development and any ancillary or subsidiary agreements with any person required as a result of entering into such an agreement with Her Majesty. Regional economic development agreements

58a. For establishing and carrying on the business of cold storage in connection with or upon the market property of the corporation. Cold storage business

21.—(1) Section 210 of the said Act is amended by adding thereto the following paragraphs:

6a. For requiring, within any defined area or areas of the municipality, any person who owns or harbours a dog to keep the dog leashed and under the control of some person when the dog is on any land of the municipality or of any local board thereof. Leashing of dogs

6b. For requiring any person who owns or harbours a dog to remove forthwith excrement left by the dog anywhere in the municipality and for excluding from the operation of the by-law such class or classes of physically handicapped persons as may be set out in the by-law. Dog waste

(2) Paragraph 71 of the said section 210 is repealed.

(3) Clause (d) of subparagraph ii of paragraph 125 of the said section 210, as amended by the Statutes of Ontario, 1982, chapter 24, section 10, is repealed and the following substituted therefor:

(d) Notwithstanding subsection 321a (1) and subject to clause (f), the driver or owner of a motor vehicle parked or left on private property is not liable to any penalty or to have the motor vehicle removed from such property or impounded under a by-law

passed under this paragraph except upon the written complaint of the owner or occupant of the property given to a constable or officer appointed for the carrying out of the provisions of the by-law.

(4) Paragraph 136 of the said section 210 is repealed.

22. Subsections 211 (17) and (18) of the said Act are repealed and the following substituted therefor:

Repeal of by-law

(17) A council may amend or repeal any by-law passed under any predecessor of this section, whether or not the by-law was required to be passed upon the application of any number of occupiers of shops in the municipality.

23.—(1) Paragraph 2 of section 225 of the said Act is repealed.

(2) Clause (a) of paragraph 3 of the said section 225 is repealed.

24.—(1) Subsection 225a (1) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 14, section 1, is repealed and the following substituted therefor:

Definition

(1) In this section, "municipality" means,

(a) a county or a city or other local municipality within a county that has been separated from the county for municipal purposes;

(b) a local municipality in unorganized territory;

(c) a metropolitan, regional or district municipality or the County of Oxford.

Gypsy moth control programs

(1a) By-laws may be passed by the councils of municipalities for establishing and operating aerial spraying programs to control actual or potential infestations of gypsy moths.

(2) Subsections 225a (3), (5) and (6) of the said Act are amended by striking out "county" and "county's" wherever those words occur and inserting in lieu thereof in each instance "municipality" and "municipality's", as the case may be.

25. Section 253 of the said Act is repealed and the following substituted therefor:

Expenses for entertaining guests

253. Notwithstanding the provisions of any general or special Act, the council of any municipality may expend in

any year such sum as it may determine for the reception or entertainment of persons of distinction or the celebration of events or matters that the council considers to be of interest or importance.

26. Section 261 of the said Act is repealed and the following substituted therefor:

Jurisdiction of county council over highways

261.—(1) The council of a county has jurisdiction over every highway and boundary line assumed by the council and every bridge thereon.

Duty with respect to bridges

(2) Where the council of a county has jurisdiction over a highway, the council of the county, at the expense of the county, shall cause to be erected and maintained or rebuilt or replaced and maintained the bridges on the highway.

Continued jurisdiction over certain bridges

(3) Subject to a by-law passed under subsection 278 (1), the council of a county continues on and after the day this section comes into force,

(a) to have jurisdiction over all bridges over which it had jurisdiction immediately before this section comes into force;

(b) to have joint jurisdiction over all bridges over which it had joint jurisdiction immediately before this section comes into force,

and the council of the county, at the expense of the county or at the joint expense of the municipalities, as the case may be, shall cause every such bridge to be rebuilt or replaced and maintained.

27. Section 262 of the said Act is amended by inserting after "is" in the first line "to maintain or".

28. Section 263 of the said Act is amended by inserting after "is" in the first line "to maintain or".

29. Section 266 of the said Act is repealed.

30.—(1) Subsection 270 (1) of the said Act is repealed and the following substituted therefor:

Assumption by county councils of highways

(1) The council of a county may by by-law assume as a county road any highway within a town, not being a separated town, or within a village or township.

(2) Subsection 270 (7) of the said Act is repealed and the following substituted therefor:

Effect of repeal

(7) When a by-law passed under this section is repealed, the highway and the bridges thereon cease to be under the jurisdiction of the council of the county and fall and are under the jurisdiction of the council or councils that had jurisdiction over it at the time of the passing of the by-law for assuming it.

31. Sections 273, 274 and 275 of the said Act are repealed.

32. Sections 276, 277 and 278 of the said Act are repealed and the following substituted therefor:

Bridges on highways under different jurisdictions

276.—(1) Where a bridge joins or is to join a highway under the jurisdiction of one municipal corporation to a highway under the jurisdiction of another municipal corporation, it is the duty of the municipal corporations whose highways are joined or to be joined to maintain or erect and maintain the bridge.

Bridges on boundary lines

(2) Where a bridge forms part of a boundary line, it is the duty of the municipal corporations that are responsible for maintaining the boundary line to maintain or to erect and maintain all necessary bridges on the boundary line.

Maintenance of boundary lines

277.—(1) Boundary lines between local municipalities, including those that also form county boundary lines, shall be maintained by the corporations of such municipalities.

Exceptions

(2) Subsection (1) does not apply to boundary lines assumed by the council of the county or to such bridges as are under this Act to be maintained or erected and maintained by another corporation.

Local municipalities to erect and maintain certain bridges

278.—(1) Where a bridge that is not on a county road or that is not on a boundary line assumed by the county is under the exclusive or joint jurisdiction of the council of a county, the council of the county may transfer by by-law its jurisdiction and control over the bridge to the council or councils of the local municipality or local municipalities in the county that has or have jurisdiction over the highway or boundary line on which the bridge is situate and the transfer may be made on such terms and conditions as the councils may agree upon.

Approval

(2) A by-law passed under subsection (1) does not take effect until it is approved by a by-law of the local municipality or the local municipalities to which the jurisdiction and control over the bridge is being transferred.

(3) On the day that a transfer under subsection (1) takes effect, all rights, liabilities and obligations of the county in respect of the bridge are transferred to and are vested in and imposed upon the local municipality or, where the jurisdiction is transferred to the council of more than one local municipality, the local municipalities, jointly. Effect of transfer

33.—(1) Subsection 298 (3) of the said Act is repealed and the following substituted therefor:

(3) A by-law passed under clause (1) (b) for altering or diverting any highway or part of a highway or under clause (1) (c) or (d) in respect of an allowance for road reserved in the original survey, Minister's approval

(a) along the bank of any river, stream or other water;

(b) along or on the shore of any lake or other water;

(c) leading to the bank of any river or stream; or

(d) leading to the shore of any lake or other water,

does not take effect until it has been approved by the Minister and, where the by-law is one to which subsection (7) applies, it shall not be submitted to the Minister until it has been passed in compliance with subsection (8) or (9), but the approval of the Minister is not required for a by-law for leasing a stopped-up highway or part of a highway to an owner of land that abuts on it for a period not in excess of thirty years.

(2) Subsections 298 (6) and (7) of the said Act are repealed and the following substituted therefor:

(7) Where the council of a township that forms part of a county for municipal purposes intends to pass a by-law under clause (1) (c), it shall so notify in writing the clerk of the county by registered mail or by personal service. Notice to clerk of county

(3) Subsection 298 (12) of the said Act is repealed and the following substituted therefor:

(12) A by-law passed under subsection (1), or any predecessor of subsection (1), for closing any street, road or highway or for opening upon any private property, any street, road or highway does not take effect until it has been registered in the land registry office of the land titles division or registry division in which the land is situate, and the by-law shall be registered without further proof by depositing a copy Registration of by-laws

certified under the hand of the clerk and the seal of the municipality.

Exception

(13) Subsection (12) does not apply, and shall be deemed never to have applied, so as to require the registration of a by-law passed before the 29th day of March, 1873.

Idem

(14) Subsection (12) does not apply so as to require the registration of a by-law passed before the day this subsection comes into force in respect of land registered under the *Land Titles Act*.

R.S.O. 1980, c. 230

Moneys to be paid into special account

(15) All moneys received by the municipality from the selling or leasing of a stopped-up highway or part of a highway, the stopping-up of which is subject to the approval of the Minister under subsection (3), less any amount expended by the municipality out of its general funds for the purpose of stopping-up and selling or leasing the highway or part thereof, shall be paid into a special account and the provisions of subsection 50 (12) of the *Planning Act, 1983* apply to such account and the moneys therein.

1983, c. 1

34. The said Act is further amended by adding thereto the following section:

Noise abatement works

309a.—(1) By-laws may be passed by the council of every municipality for constructing noise abatement works on the untravelled portion of any highway.

Definition

(2) For the purposes of subsection (1), "municipality" includes a metropolitan, regional and district municipality and the County of Oxford.

Application of R.S.O. 1980, c. 250

(3) The *Local Improvement Act* applies to a county, metropolitan, regional and district municipality and the County of Oxford for the purpose of constructing noise abatement works as if each of them were a municipality as defined in that Act.

Special assessment and collection of special assessments

(4) If a municipality described in subsection (3) (herein referred to as an upper tier municipality) proceeds under the *Local Improvement Act*, a local municipality shall provide all information requested by the upper tier municipality for the purpose of the preparation of the special assessment rolls, and the clerk of the upper tier municipality, after certifying the special assessment rolls, shall forward the same to the treasurer of the local municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the upper tier municipality.

35. Section 316 of the said Act is repealed and the following substituted therefor:

Sale of closed highway R.S.O. 1980, cc. 445, 230

316.—(1) Subject to sections 317 and 318, where a highway or any part of a highway over which a municipality has jurisdiction has been closed under this Act, the *Registry Act* or the *Land Titles Act* and the council of the municipality determines to sell the land forming the highway or the part of the highway so closed, the land shall be sold in accordance with this section.

Sale to abutting owners

(2) The council shall by by-law set the sale price of the land to be sold and shall offer to sell it to the owner of the land abutting the land to be sold and where,

(a) there are parcels of land abutting on opposite sides of the land to be sold, the owner of each parcel has the right of first refusal to purchase the land to its middle line;

(b) the land to be sold is abutted on one side by a highway that has not been closed or by a stream, river or other body of water over which the public has rights of navigation or of floating timber, the owner whose land abuts the land to be sold on the other side has the right of first refusal to purchase the land;

(c) the land to be sold does not include the whole width of the former highway, the owner whose land abuts on the land to be sold has the right of first refusal to purchase the land.

Sale to other persons

(3) If a person entitled under subsection (2) to purchase the land does not exercise the right to purchase within such period as may be fixed by by-law, the municipality may sell the land that the person had the right to purchase to any other person at the price set under subsection (2) or at a greater price.

Sale at lower price

(4) Where the municipality is unable to sell the land at or above the sale price set under subsection (2), the council may set a lower price under that subsection and this section applies to a sale at the lower price.

Sidelines

(5) Where land is sold to an abutting owner under this section, the sidelines of the parcels abutting the land to be sold shall be extended to include the land to be sold in such manner as the council considers fair and reasonable.

Limitation

(6) A municipality shall not use the power conferred by this section to sell land that is covered with water.

36. Section 325 of the said Act is amended by striking out "without obtaining the assent of the electors" in the eleventh and twelfth lines.

PART II

AMENDMENTS TO OTHER ACTS

37.—(1) Subsection 2 (1) of the *Local Improvement Act*, being chapter 250 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

(s) constructing noise abatement works on the untravelled portion of a street.

(2) Subsection 27 (1) of the said Act is repealed and the following substituted therefor:

Corporation may assume part of cost of certain works

(1) Subject to subsection (3), the council of the corporation of a municipality in which there is not in force a by-law passed under section 70 applicable to the work may, by by-law passed at a general or special meeting by a vote of three-fourths of all the members of the council, provide that such part as the council considers proper of the cost of any of the following works constructed as a local improvement that otherwise would be chargeable upon the land abutting directly on the work shall be paid by the corporation:

1. Any granolithic, stone, cement, asphalt or brick sidewalk.

2. Any pavement or curbing.

3. Any works, plant, appliances and equipment for street lighting.

4. Any noise abatement works.

(3) Subsection 31 (1) of the said Act is amended by inserting after "watermain" in the second line "or noise abatement works".

(4) Subsection 32 (1) of the said Act is amended by striking out "or (r)" in the eighth line and inserting in lieu thereof "(r) or (s)".

(5) Subsection 68 (2) of the said Act is amended by inserting after "pavement" in the second line "noise abatement works".

38.—(1) Subsection 44 (3) of the *Municipal Elections Act*, being chapter 308 of the Revised Statutes of Ontario, 1980, is amended by adding at the end thereof "or councillor".

(2) Subsection 92 (1) of the said Act is amended by striking out "or" at the end of clause (b), by adding "or" at the end of clause (c) and by adding thereto the following clause:

(d) the Minister makes an order under section 48 of the *Municipal Act*, R.S.O. 1980, c. 302

. . . . .

39.—(1) Subclause 5 (2) (a) (iii) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is amended by striking out "aldermen" in the fifth line and inserting in lieu thereof "other members of council".

(2) Clause 5 (2) (b) of the said Act is amended by striking out "aldermen" in the second line and inserting in lieu thereof "other members of council".

(3) Subsection 5 (4) of the said Act is amended by striking out "alderman, or aldermen" in the third and fourth lines and inserting in lieu thereof "other member or members of council".

(4) Clause 152 (1) (c) of the said Act is repealed and the following substituted therefor:

(c) the following number of other members of council:

(i) if elected by general vote, not fewer than four members, or

(ii) if elected by wards and the area municipality has four or more wards, one, two or three members for each ward, or, if the area municipality has fewer than four wards, two or three members for each ward.

(5) Subsection 152 (2) of the said Act is repealed and the following substituted therefor:

Borough of East York, use of designation councillor; board of control
R.S.O. 1980, c. 302

(2) The Borough of East York shall be deemed to be a city municipality for the purposes of subsections 30 (8), (9), (10) and (11) and section 68 of the *Municipal Act*.

(6) The definition of "city alderman" in subsection 152a (1) of the said Act, as enacted by the Statutes of Ontario, 1985, chapter 2, section 4, is repealed and the following substituted therefor:

"city alderman or councillor" means a person described in clause (2) (b).

(7) Subsection 152a (4) of the said Act, as enacted by the Statutes of Ontario, 1985, chapter 2, section 4, is amended by adding at the end thereof "or councillors".

(8) Subsection 152a (6) of the said Act, as enacted by the Statutes of Ontario, 1985, chapter 2, section 4, is amended by inserting after "aldermen" in the fourth line "or councillors".

(9) Subsection 152a (7) of the said Act, as enacted by the Statutes of Ontario, 1985, chapter 2, section 4, is amended by inserting after "alderman" in the third line "or councillor".

40. Subsection 3 (1) of the *Regional Municipality of Niagara Act*, being chapter 438 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Composition of councils

(1) The council of each area municipality shall be composed of a mayor, who shall be elected by general vote and shall be the head of the council, and the following number of other members of council:

1. Town of Lincoln—eight members elected by wards.
2. Town of Fort Erie—eight members elected by wards.
3. Town of Grimsby—eight members elected by general vote.
4. City of Niagara Falls—twelve members elected by wards.
5. Town of Niagara-on-the-Lake—eight members elected by general vote.
6. Town of Pelham—six members elected by wards.

7. City of Port Colborne—eight members elected by wards.

8. City of St. Catharines—twelve members elected by wards.

9. City of Thorold—ten members elected by general vote.

10. Township of Wainfleet—four members elected by general vote.

11. City of Welland—twelve members elected by wards.

12. Township of West Lincoln—six members elected by wards.

(1a) Subsections 30 (8), (9), (10) and (11) of the *Municipal Act* apply to an area municipality which is a town or township as if it were a city municipality. Application of R.S.O. 1980, c. 302

41.—(1) Paragraph 1 of subsection 3 (1) of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is amended by striking out "aldermen" in the first line and inserting in lieu thereof "members".

(2) Clause 6 (b) of the said Act is repealed and the following substituted therefor:

(b) the council of the City of Sudbury so long as the total number of members of council, excluding the mayor, does not exceed nine.

42. Subsections 57 (2) to (9) of the *Surveys Act*, being chapter 493 of the Revised Statutes of Ontario, 1980, are repealed.

43. This Act comes into force on the day it receives Royal Assent. Commencement

44. The short title of this Act is the *Municipal Statute Law Amendment Act, 1987*. Short title

CHAPTER 11

An Act to amend the Mining Tax Act

Assented to February 12th, 1987

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause 1 (a) of the *Mining Tax Act*, being chapter 269 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(a) "assessment" includes a reassessment.

(2) Section 1 of the said Act is amended by adding thereto the following clause:

(aa) "associated corporations" has the meaning given to that expression by section 256 of the *Income Tax Act* (Canada). R.S.C. 1952, c. 148

(3) Clause 1 (b) of the said Act is repealed and the following substituted therefor:

(b) "Deputy Minister" means the Deputy Minister of Revenue.

(4) Clauses 1 (c) and (d) of the said Act are repealed and the following substituted therefor:

(c) "exploration and development expenditures" means any outlay or expense made or incurred that is,

(i) for the purpose of determining the existence, location, extent or quality of a mineral substance in Ontario,

(ii) for the purpose of bringing a mine in Ontario into production,

(iii) for the purpose of developing a mine in Ontario after the mine comes into production, including sinking or constructing a mine shaft,

mine haulage way or similar underground work designed for continuing use, and any extension thereof, or

(iv) any outlay or expense referred to in subclause (i), (ii) or (iii) made or incurred pursuant to an agreement whereby the outlay or expense represents consideration for the acquistion of,

(A) interest in a mine or in a right to mine a property, or

(B) shares of the capital stock of a corporation or any interest in or right to acquire such shares,

but, for greater certainty, shall not include,

(v) any consideration given for any mine, right to mine a property or any share or interest therein or right thereto, except as provided by subclause (iv), or

(vi) any outlay or expense described in subclause (iv) to the extent that the outlay or expense was, by virtue of that subclause, an exploration and development expenditure of another operator;

(ca) "fair market value" means the amount that could be expected to be realized on a sale in the open market by a willing seller to a willing buyer;

(cb) "hedging" means the fixing of a price for output of a mine before delivery by means of a forward sale or a futures contract on a recognized commodity exchange, or the purchase or sale forward of a foreign currency related directly to the proceeds of the output of a mine, but does not include speculative currency hedging except to the extent that the hedging transaction determines the final price and proceeds for the output;

(cc) "mine" means any opening in the ground, any working of the ground and any tailings source from or by which any mineral substance is taken, and comprises the mining claim, mining location and the whole parcel of land in which any such tailings source does or did exist or such workings are or have been carried on in Ontario;

(d) "mineral substance" means every type and kind of ore, rock, mineral and tailings, whether organic or inorganic, but does not include diatomaceous earth, limestone, marl, peat, clay, building stone, stone for ornamental or decorative purposes, non-auriferous sand or gravel, or natural gas or petroleum, or sodium chloride recovered by solution method;

(da) "mining assets" means the plant, equipment, machinery and buildings acquired for the purpose of the extraction of mineral substances from the ground and ancillary activities, but does not include processing assets or social assets.

(5) Clauses 1 (e) and (f) of the said Act are repealed and the following substituted therefor:

(e) "Minister" means the Minister of Revenue;

(f) "Ministry" means the Ministry of Revenue.

(6) Clause 1 (g) of the said Act is repealed.

(7) Clauses 1 (h), (i), (j), (k) and (l) of the said Act are repealed and the following substituted therefor:

(h) "operator" includes,

(i) a person who has the right to work a mine and win mineral substances therefrom, personally or through agents or servants or together with one or more other persons, and

(ii) a person who has the right to receive a share of the proceeds or the profits of a mine or who has an interest in a mine, whether as a member of a joint venture, as a member of a partnership, or as a beneficiary of a trust that has the right to work the mine and win mineral substances therefrom, but does not include any person whose only right or interest is the right to receive royalties;

(i) "output" means,

(i) the mineral substances raised, taken or obtained from any mine in Ontario, if those mineral substances are sold as such, or

(ii) the product of a processing operation, where the mineral substances are raised, taken or gained from any mine in Ontario, if the processed product is sold;

(j) "proceeds" means the total consideration that is received or is receivable from another person or persons, in any currency, whether in cash or non-cash form, from the output of the mine, including all by-products sold, or the amount determined in the prescribed manner, and all consideration received or receivable from hedging and future sales or forward sales of the output of the mine, converted at the date of receipt of the consideration to the equivalent in Canadian funds, if receivable in funds of another country;

(k) "processing" means, with respect to mineral substances, any form of beneficiation, concentrating, smelting, refining, fabricating of metallic mineral substances, manufacturing of non-metallic mineral substances if the manufacturing is carried on in Canada, and any combination thereof;

(ka) "processing assets" means processing plants, machinery, equipment and structures acquired for the purpose of processing mineral substances and ancillary activities, but does not include,

(i) the value of spare parts held in inventory for such assets,

(ii) stockpiles or inventories of processed mineral substances,

(iii) assets used for the transportation of processed mineral substances to market, or

(iv) mining assets or social assets;

(l) "social asset" means a tangible asset owned by an operator that is incidental to mining and processing operations and that relates directly to the provision of housing, recreational or service facilities, if the asset,

(i) is necessary to attract or retain employees, and

(ii) is available for the use of all employees.

(8) Section 1 of the said Act is further amended by adding thereto the following clause:

(n) "Treasurer" means the Treasurer of Ontario.

(9) Section 1 of the said Act is further amended by adding thereto the following subsection:

Non-arm's length

(2) For the purposes of this Act, in the determination of whether two or more persons are not dealing at arm's length, section 251 of the *Income Tax Act* (Canada) applies with necessary modifications.

R.S.C. 1952, c. 148

2. Section 2 of the said Act is repealed and the following substituted therefor:

When taxes accrue and when payable

2.—(1) The taxes imposed by this Act shall be deemed to accrue proportionately as the days of each taxation year for which such taxes are imposed pass and the estimated amount of the taxes payable under this Act for a taxation year shall be paid to the Treasurer not later than two months after the end of the taxation year.

Payment of balance

(2) Every operator of a mine shall pay the amount, if any, by which the tax that the operator estimates to be payable in the return required under section 7 exceeds the amount paid under subsection (1), at the time the operator delivers the return under section 7.

3.—(1) Subsections 3 (1) to (14) of the said Act are repealed and the following substituted therefor:

Mining tax

(1) Every operator is liable for and shall pay a tax equal to 20 per cent of the amount by which the operator's profit, as determined under subsection (5), for the taxation year from all mines in which the operator has an interest, exceeds the lesser of,

(a) the proportion of $500,000 that the number of days in the taxation year is of 365; and

(b) the aggregate of amounts determined under subsection (3) in respect of each mine in which the operator has an interest.

Associated corporations

(2) For the purposes of this section, where two or more associated corporations are operators of one or more mines, the aggregate of the amounts deducted under subsection (1) by such corporations shall not exceed $500,000.

Part interest

(3) The amount determined under this subsection in respect of an operator's interest in a mine is the product of the operator's interest in the mine multiplied by the lesser of,

(a) $500,000; and

(b) if applicable, the amount determined under subsection (4) in respect of the mine.

Part year production

(4) Where a mine is out of production in a taxation year for sixty or more consecutive days, the amount determined under this subsection for the purpose of clause (3) (b) is that proportion of $500,000 that the number of days in the taxation year that the mine has been in production is of 365.

Profit

(5) An operator's profit for the taxation year from all mines in which the operator has an interest is the amount, if any, by which,

(a) the operator's proceeds for the taxation year from the mines, other than amounts included in the computation of tax payable under this Act for a prior taxation year,

exceeds the aggregate of,

(b) expenses incurred by the operator in the taxation year that are not otherwise deductible under this subsection, to the extent that the expenses are attributable to the production of output from the mines;

(c) the operator's operating and maintenance expenses incurred in the taxation year with respect to social assets in Ontario, other than social assets referred to in subsection 4 (2), after deducting therefrom all rents, fees, grants and other payments received by the operator during the taxation year in connection therewith;

(d) administrative and overhead expenses incurred by the operator in the taxation year, to the extent they are reasonably attributable to the production or sale of output of the mines;

(e) expenses incurred by the operator in the taxation year in respect of scientific research conducted in Canada or in respect of product use development research conducted in Canada, to the extent the research is related to output of the mines;

(f) donations made by the operator in the taxation year for charitable, educational or benevolent purposes that are reasonably related to mining operations in Ontario;

(g) an amount not in excess of the maximum amount deductible by the operator for the taxation year as determined under subsection (7) in respect of exploration and development expenditures;

(h) an amount not in excess of the operator's allowance for depreciation for the taxation year calculated in accordance with subsection (6);

(i) expenses and outlays incurred by the operator in the taxation year for the transportation of output from the mine to the point of delivery of the output to its purchaser;

(j) such reserves and deductions as are prescribed; and

(k) the operator's prescribed processing allowance for the taxation year.

Calculation of allowance for depreciation

(6) The operator's allowance for depreciation for a taxation year in respect of depreciable property is,

(a) an amount in respect of processing assets and assets for transporting processed mineral substances to market from the point at which processing is completed, not in excess of the lesser of,

(i) 15 per cent of the capital cost of the assets, computed as of the end of the taxation year, and

(ii) the undepreciated capital cost of the assets as of the end of the taxation year (before making any deduction calculated under this clause for the taxation year);

(b) an amount in respect of mining assets, other than mining assets for which an allowance for depreciation is calculated under clause (c), not in excess of the lesser of,

(i) the aggregate of 30 per cent of the capital cost, computed as of the end of the taxation year, of mining assets acquired after the 9th day of April, 1974, which have not been used

previously in mining operations and 15 per cent of the capital cost, computed as of the end of the taxation year, of any other mining assets, and

(ii) the undepreciated capital cost of the mining assets as of the end of the taxation year (before making any deduction calculated under this clause for the taxation year); and

(c) where a mine is a new mine or a major expansion of an existing mine designated by the Minister for the purpose of this clause, an amount at the option of the operator, instead of the amount calculated under clause (b), in respect of mining assets acquired after the 7th day of March, 1978, and before completion of the project from a person dealing at arm's length for use in the new mine or the major expansion, not exceeding the lesser of,

(i) the operator's profit for the taxation year from the new mine or the major expansion calculated in the prescribed manner, and

(ii) the undepreciated capital cost of the mining assets as of the end of the taxation year (before making any deduction calculated under this clause for the taxation year).

Exploration and development expenditures

(7) For the purposes of clause (5) (g), the maximum amount deductible by an operator for a taxation year in respect of exploration and development expenditures is the aggregate of,

(a) exploration and development expenditures incurred in Ontario by the operator to the extent that such expenditures qualified as exploration and development expenditures under this Act at the time they were incurred; and

(b) exploration and development expenditures incurred by another person to the extent that,

(i) such expenditures qualified as exploration and development expenditures under this Act at the time they were incurred by the other person, and

(ii) such expenditures qualify to be renounced and have been renounced by the other person

in favour of the operator under subdivision e of Division B of Part I of the *Income Tax Act* (Canada) and have not been deducted by the other person under this Act or in the calculation of taxable income of the other person under Part I of the *Income Tax Act* (Canada), R.S.C. 1952, c. 148

less the aggregate of,

(c) all amounts deducted under this Act by the operator in any previous taxation year in respect of exploration and development expenditures;

(d) all amounts allowed as eligible exploration expenses under the *Ontario Mineral Exploration Program Act*; R.S.O. 1980, c. 346

(e) the amount of any assistance or benefit from a government, municipality or other public authority in respect thereto, including any grant, subsidy, forgiveable loan, investment allowance or other form of assistance or benefit received or receivable by the operator, other than a grant or tax credit under the *Ontario Mineral Exploration Program Act*; and

(f) all exploration and development expenditures that qualify to be renounced and have been renounced by the operator in favour of another person under subdivision e of Division B of Part I of the *Income Tax Act* (Canada).

Reduction of capital cost

(8) For the purposes of this section, where an operator has deducted an amount under subsection 127 (5) of the *Income Tax Act* (Canada) in respect of depreciable property or has received or is entitled to receive assistance from a government, municipality or other public authority in respect of, or for the acquisition of, depreciable property, whether as a grant, subsidy, forgiveable loan or any other form of assistance, the capital cost of the property shall be deemed to be the amount by which the aggregate of,

(a) the capital cost thereof to the operator determined without reference to this subsection; and

(b) the part, if any, of the assistance that has been repaid by the operator before the disposition thereof by the operator,

exceeds the aggregate of,

R.S.C. 1952, c. 148

(c) all amounts deducted under subsection 127 (5) of the *Income Tax Act* (Canada); and

(d) the amount of assistance the operator has received or is entitled to receive in respect of that property before the disposition thereof by the operator.

Non-allowable deductions

(9) No allowance or deduction shall be claimed or made under this section in respect of,

(a) an outlay, loss or replacement of capital, a payment on account of capital or an amount in respect of depreciation, amortization, obsolescence or depletion, unless expressly permitted by this Act;

(b) interest or dividends paid;

(c) royalties for the right to extract mineral substances, or use real property in connection with the extraction of mineral substances, paid to any person other than Her Majesty in Right of Canada or Ontario; and

(d) any income or profits tax and any tax on capital paid to any jurisdiction.

Undepreciated capital cost

(10) The undepreciated capital cost of any depreciable property at any time means the amount by which the aggregate of,

(a) the capital cost of the property acquired before that time; and

(b) all amounts included in profit by virtue of subsection (11) for a taxation year ending prior to that time,

exceeds the aggregate of,

(c) the total of the amounts deducted under this Act before that time as an allowance for depreciation with respect to the property; and

(d) for each disposition of the property or part thereof, the lesser of,

(i) the proceeds of disposition of the property or part, and

(ii) the capital cost of the property or part.

(11) Where, at the end of a taxation year, the aggregate of all amounts determined under clauses (10) (c) and (d) exceeds the aggregate of all amounts determined under clauses (10) (a) and (b), the excess shall be deemed to be proceeds for the purposes of clause (5) (a). Recapture

(12) Where any property is acquired from or transferred to a person not dealing at arm's length with the operator, the capital cost of the property to the purchaser for the purposes of this Act and the proceeds of disposition of the property for the purposes of this Act shall be deemed to be, Where not dealing at arm's length

(a) the amount or amounts determined in the prescribed manner where the property is depreciable property referred to in subsection (6); and

(b) fair market value where the property is not depreciable property referred to in subsection (6).

(13) Where output from a mine is sold to a purchaser who does not deal at arm's length with the operator, the amount of the proceeds for the purposes of clause (5) (a) shall be deemed to be the fair market value of the output. Idem

(14) Where any goods or services are obtained or acquired from a supplier who does not deal at arm's length with the operator for an amount that exceeds the fair market value of the goods or services, no amount in excess of the fair market value of the goods or services shall be deductible under subsection (5). Idem

(2) Subsections 3 (15) and (16) of the said Act are repealed.

4.—(1) Subsections 4 (2), (3) and (4) of the said Act are repealed and the following substituted therefor:

(2) No deduction shall be made under clause 3 (5) (c) for operating and maintenance expenses related to social assets in Ontario that are attributable to a specified uranium undertaking. No deduction for certain operating and maintenance expenses

(3) Notwithstanding subsection 3 (6), Allowance for depreciation

(a) no deduction shall be made under clause 3 (5) (h) in respect of processing assets not situate in Canada and assets for transporting processed mineral substances to market from the point at which the processing outside Canada is completed that are attributable to the operation of a specified uranium undertaking;

(b) the deduction allowed under clause 3 (5) (h) in respect of processing assets situate in Canada, assets for transporting processed mineral substances to market from the point at which processing in Canada is completed and mining assets, attributable to the operation of a specified uranium undertaking, shall not be,

(i) greater than 15 per cent of the capital cost of the assets as of the end of the taxation year, and

(ii) less than the lesser of 5 per cent of the capital cost of the assets as of the end of the taxation year and the undepreciated capital cost of the assets as of the end of the taxation year (before making any deduction under clause 3 (5) (h) in respect of the assets for the taxation year); and

(c) clause 3 (6) (c) does not apply for the purposes of determining an allowance for depreciation with respect to mining assets used in the operation of a specified uranium undertaking.

(2) Subsection 4 (5) of the said Act is amended by striking out "clause 3 (7) (n)" in the first line and inserting in lieu thereof "clause 3 (5) (g)" and by striking out "subclauses (i) and (ii) of" in the third line.

5. Section 5 of the said Act is repealed and the following substituted therefor:

Duty to give notice of active operation

5.—(1) The operators of a mine from which any mineral substance is raised, taken or gained shall, within ten days after the commencement of active operation of the mine, give written notice to the Minister that the mine is in active operation, and such notice shall state the name and address of every operator of the mine.

Notice of change

(2) Every operator of a mine that is in active operation shall forthwith give written notice to the Minister of every change in the operator's name or address and such notice shall contain an address for service of the operator where notices or demands under this Act may be given or served.

Service of notice

(3) Any notice or demand required or provided for by this Act shall be deemed to have been properly and sufficiently given or served on the operator if mailed by registered mail to the address for service given by the operator, and in case no

address for service is given as herein required, the notice or demand shall be sufficiently given or served if mailed by registered mail to any address that the Minister considers most likely to bring the notice or demand to the attention of the operator.

Notice of discontinuance

(4) The operators of a mine shall forthwith give written notice to the Minister of every discontinuance of active operation of the mine and of every recommencement thereof after discontinuance.

Meaning of "active operation"

(5) For the purposes of this section and section 6, a mine is in active operation when any operator thereof is regularly entitled to receive proceeds from the output of the mine.

6. Subsection 6 (1) of the said Act is amended by striking out "mine assessor" in the fifth line and inserting in lieu thereof "Minister".

7.—(1) Subsection 7 (1) of the said Act is repealed and the following substituted therefor:

Returns

(1) On or before the last day of the month that ends six months following the close of the taxation year, every operator of a mine in Ontario shall, without notice or demand, deliver to the Minister a return containing an estimate of the tax for which the operator is liable and the return shall be verified by a certificate stating that the information included in the return is in agreement with the books required to be kept under this Act, and such certificate shall be signed by a person who has personal knowledge of the affairs of the operator and the mine, but the Minister may require the person who certified the return to verify under oath the return or any part thereof, and any person so required shall forthwith make and file with the Minister an affidavit verifying the truth of the matters and facts contained in the return.

(2) Subsection 7 (2) of the said Act is repealed and the following substituted therefor:

Investigations R.S.O. 1980, c. 97

(2) Section 86 of the *Corporations Tax Act*, other than clause (1) (d) and subsection (4) thereof, applies for the purposes of this Act and in the application thereof,

(a) references to the corporation liable to pay tax under that Act shall be read as references to the operator under this Act; and

(b) the reference in clause 86 (2) (a) to "a return as required by section 67" shall be read as "a return as required under this Act".

8. Section 8 of the said Act is repealed and the following substituted therefor:

Notice of assessment

8.—(1) The Minister shall with all due dispatch examine each return delivered under section 7 together with any other information furnished under this Act and shall assess the tax for the taxation year and the interest and penalties, if any, payable.

Interest on unpaid tax

(2) Where the amount paid on account of the tax payable by the operator for a taxation year is less than the amount of tax payable for the taxation year, the operator liable to pay the tax shall pay interest on the difference between,

(a) the amount of tax payable for the taxation year; and

(b) the amount paid on account of the tax payable for the taxation year,

from the day on which the estimated amount of the tax payable for the taxation year is required to be paid under subsection 2 (1) to the day of payment of the tax, at the prescribed rate.

Interpretation

(3) For the purposes of subsections (2) and (9), the "amount paid on account of the tax payable" is the amount paid by the operator on account of the tax payable for the taxation year minus any amounts refunded to the operator or any amounts applied to other liability of the operator.

Idem

(4) For the purposes of subsections (2), (3) and (9), the "amount of tax payable" for a taxation year includes any penalty payable by the operator for the taxation year.

Assessments and refunds R.S.O. 1980, c. 97

(5) Subsections 73 (5), (6), (9) and (10), section 74 and subsections 75 (1) and (2) of the *Corporations Tax Act* apply for the purposes of this Act and in the application thereof,

(a) references to the "corporation" shall be read as references to the "operator";

(b) the reference to subsections 73 (5) and (9) of that Act in subsection 74 (2) shall be deemed to be a reference to those subsections as made applicable for the purposes of this Act;

(c) the reference to "section 67" of that Act in subsection 75 (1) shall be read as "section 7" of this Act; and

(d) the reference in subsection 75 (1) to special small corporations and to the payment of the balance of tax as required under sub-subclause 70 (2) (b) (i) (B) of that Act shall not be applicable.

Interest on overpayments

(6) Where an amount in respect of an overpayment is refunded or applied under this section on other liability, interest at the prescribed rate shall be paid or applied thereon for the period commencing with the later of,

(a) the day on which the overpayment arose; and

(b) the day on or before which the balance of the tax payable for the taxation year is required to be paid under this Act,

and ending with the day of refunding or application aforesaid, unless the amount of the interest so calculated is less than $1, in which event no interest shall be paid or applied under this subsection.

Idem

(7) Where by a decision of the Minister after the filing of an objection under section 10 or of a court it is finally determined that the tax payable under this Act by an operator for a taxation year is less than the amount assessed to which objection was made or from which the appeal was taken and the effect of the decision is that an overpayment has been made for the taxation year, the interest payable under subsection (6) on that overpayment shall be computed at the prescribed rate.

Idem

R.S.O. 1980, c. 97

(8) Where an amount has been paid with respect to the provisions of section 92 of the *Corporations Tax Act*, as made applicable for the purposes of this Act, and the tax payable under this Act for the taxation year as finally determined is less than the payment, the interest payable on that overpayment shall be computed at such rate as is prescribed for the purposes of subsection (7) as though the day on which the overpayment arose is the day upon which the payment was made.

Interpretation

(9) Except as provided in subsection (8), "overpayment" means the aggregate of all amounts paid on account of tax payable for a taxation year less all amounts payable under this Act, or an amount so paid where no amount is payable under this Act.

Application of payments received R.S.O. 1980, c. 97

(10) Subsection 70 (6) of the *Corporations Tax Act* is applicable for the purposes of this Act and, in the application thereof, the references to "a corporation" and "the corporation" shall be read as "an operator" and "the operator", respectively.

9. Section 9 of the said Act is repealed and the following substituted therefor:

Reassessment

9.—(1) The Minister may,

(a) at any time, if the operator filing a return,

(i) has made any misrepresentation or committed any fraud in filing the return or supplying any information under this Act, or

(ii) has failed to file the financial information with the return required to be filed under section 7, or

(iii) has been negligent in supplying any information under this Act, or

(iv) has filed with the Minister a waiver in the prescribed form within six years from the day of mailing of the notice of an original assessment; and

(b) within six years of the day of mailing of the original notice of assessment in any other case,

reassess or make additional assessments, or assess a tax, interest or penalties, as the circumstances require.

Revocation of waiver

(2) Where the Minister is authorized to issue an assessment under subsection (1) by reason only that the operator has filed a waiver under subclause (1) (a) (iv), the Minister may not issue an assessment later than one year after the date on which the operator has filed a notice of revocation of the waiver in the prescribed form.

Pension plan withdrawals

(3) Notwithstanding subsection (1), where any amount is withdrawn by an operator from an employees' superannuation or pension fund or plan, the Minister may reassess the amount of tax payable by the operator under this Act for a maximum of ten taxation years immediately preceding the taxation year in which the withdrawal is made, and may disallow the deduction of all or any part of the amounts previously deducted by the operator in the calculation of the profit of the mine for

such taxation years with respect to contributions made by the operator and any predecessor thereof to such fund or plan, but in no case shall the total of the amounts disallowed for such taxation years exceed the lesser of the amount withdrawn from the fund or plan and the amount of such contributions to the fund or plan as determined in the prescribed manner.

10. Section 10 of the said Act is repealed and the following substituted therefor:

Objections and appeals R.S.O. 1980, c. 97

10. Sections 77, 78, 79, 80, 81, 82, 83 and 84 of the *Corporations Tax Act* apply for the purposes of this Act, and in the application thereof the following rules apply:

1. References therein to "a corporation" and "the corporation" shall be read as "an operator" and "the operator", respectively.

2. The reference to section 73 of that Act in subsection 77 (1) and clause 77 (6) (a) shall be read as a reference to sections 8 and 9 of this Act.

3. The reference in subsection 77 (5) to "clause 73 (7) (b) or (c)" shall be deemed to be a reference to clause 9 (1) (b) of this Act.

4. Clause 77 (6) (b) is not applicable for the purposes of this Act.

5. Clause 77 (6) (d) shall be read without reference to the words "if section 85 does not apply".

6. All references therein to sections 77, 78 and 80 of that Act, and subsections thereof as applicable, shall be deemed to be references to those sections and subsections as made applicable by this section.

7. The reference to subsection 73 (10) in section 79 shall be deemed to be a reference to that subsection as made applicable by section 8 of this Act.

11. Section 11 of the said Act is repealed and the following substituted therefor:

Books of account

11.—(1) Every operator shall keep at or near the mine, or at such place determined under subsection (3), proper books of account showing,

(a) the quantity, weight, value, composition and other particulars of the mineral substances raised, taken or gained from the mine;

(b) the returns from the processing plant;

(c) the proceeds from the output of the mine;

(d) each of the several expenses, payments and allowances deducted pursuant to section 3; and

(e) any other facts and circumstances necessary or proper for ascertaining the amount of tax imposed by this Act.

Removal of mineral substances from mining premises

(2) No mineral substance raised, taken or gained from any mine shall be removed from the mining premises or processed at any processing plant until the weight of the mineral substance has been ascertained and entered in the books of account required to be kept under subsection (1).

Idem

(3) The Minister may determine the number and character of books required to be kept under subsection (1) and may require that the books of account mentioned in subsection (1) be kept at such place in Ontario as the Minister determines.

Costs

(4) Where the Minister permits books of account to be kept outside of Ontario, all costs incurred by the Minister to examine such books at the place where they are kept shall be reimbursed by the operator and the Minister may forthwith take all remedies available under this Act or at law to recover such costs.

Retention of books of account R.S.O. 1980, c. 97

(5) Subsection 87 (3) of the *Corporations Tax Act* is applicable for the purposes of this Act and, in the application thereof, the reference to "every corporation" shall be read as "every operator".

12. Section 12 of the said Act is repealed.

13. Subsection 13 (1) of the said Act is repealed and the following substituted therefor:

Entry to mine

(1) Any person authorized by the Minister for any purpose related to the administration or enforcement of this Act may at all reasonable times enter upon any mine in Ontario and the operator of the mine shall,

(a) permit such person to descend all pits and shafts and use all tackle, machinery, appliances and things

belonging to or under the control of the operator that the person considers necessary or expedient for the purposes of carrying out his or her duties under this subsection;

(b) give to such person free ingress and egress to, from and over all buildings, erections, structures and vessels used in connection with the mine and any processing plant at which mineral substance taken from the mine is processed or in any way modified; and

(c) permit the person to take such samples or specimens of mineral substance as the person considers necessary for the purpose of determining their value by assay or otherwise.

14. Sections 15 and 16 of the said Act are repealed and the following substituted therefor:

Compromising disputes as to liability for tax

15. If any doubt or dispute arises as to the liability of an operator to pay the tax or any portion of the tax demanded under this Act, or if owing to special circumstances it is deemed inequitable to demand payment of the whole amount imposed by this Act, the Minister may accept such amount as the Minister considers proper.

15. Section 18 of the said Act is repealed and the following substituted therefor:

Penalty for failure to pay tax

18.—(1) Every operator who fails to pay any tax imposed under this Act or any estimate of tax required to be paid under this Act at the time provided is liable to a penalty of 10 per cent of the amount unpaid plus an additional penalty of 10 per cent of the amount unpaid for each twelve month period that the tax or estimate of tax remains unpaid.

Penalty

(2) Every operator who fails to deliver a return as and when required by section 7 shall pay a penalty of,

(a) an amount equal to 10 per cent of the tax that was unpaid when the return was required to be delivered, if the tax payable by the operator for the taxation year that was unpaid at that time was less than $10,000; and

(b) $1,000, if at the time the return was required to be delivered tax payable by the operator equal to $10,000 or more was unpaid.

Failure to complete return

(3) Every operator who fails to complete the information required on the return to be delivered under section 7 is liable to a penalty of 1 per cent of the tax payable by the operator under this Act, but such penalty shall not in any case be less than $20 or more than $100.

Statements or omissions in return

(4) Where a person, acting or purporting to act on behalf of an operator, knowingly, or under circumstances amounting to gross negligence in the carrying out of any duty or obligation imposed by or under this Act, has made, or has participated in, assented to or acquiesced in the making of, an incorrect statement or omission (in this subsection referred to as a "false statement") in a return, certificate, statement or answer (in this subsection referred to as a "return") filed or made in respect of a taxation year as required by or under this Act or the regulations, the operator is liable to a penalty of 25 per cent of the amount, if any, by which,

(a) the tax for the year that would be payable by the operator under this Act if the operator's profit for the taxation year was computed by adding to the operator's profit for the taxation year as reported by the operator in the return for the year that portion of the understatement of profit for the taxation year that is reasonably attributable to the false statement,

exceeds,

(b) the tax for the year that would have been payable by the operator under this Act had the tax payable for the taxation year been assessed on the basis of the information provided in the operator's return for the taxation year.

16. Section 19 of the said Act is repealed and the following substituted therefor:

Offences

19.—(1) Every operator that fails to deliver a return as and when required by this Act or the regulations is guilty of an offence and, in addition to any penalty otherwise provided, on conviction is liable to a fine of not less than $50 for each day of default.

Idem

R.S.O. 1980, c. 97

(2) Every person who fails to comply with or contravenes subsection 86 (8) of the *Corporations Tax Act*, as made applicable by subsection 7 (2) of this Act, section 11 or subsection 13 (1), is guilty of an offence and, in addition to any penalty otherwise provided, on conviction is liable to a fine of $25 for each day during which the default or contravention continues.

(3) Sections 89 and 90 of the *Corporations Tax Act* apply for the purposes of this Act. Officers of corporations

17. Section 20 of the said Act is repealed and the following substituted therefor:

20. Every person who has, False statements

(a) made, or participated in, assented to or acquiesced in the making of, false or deceptive statements in a return, certificate, statement or answer delivered or made as required by or under this Act or the regulations;

(b) to evade payment of a tax imposed by this Act, destroyed, altered, mutilated, secreted or otherwise disposed of the records or books of account of an operator;

(c) made, or assented to or acquiesced in the making of, false or deceptive entries, or omitted, or assented to or acquiesced in the omission, to enter a material particular, in records or books of account of an operator;

(d) wilfully in any manner evaded or attempted to evade compliance with this Act or payment of taxes imposed by this Act; or

(e) conspired with any person to commit an offence described by clauses (a) to (d),

is guilty of an offence and, in addition to any penalty otherwise provided by this Act, is liable on conviction to a fine of not less than $25 and not more than $10,000 plus, in an appropriate case, an amount of not more than double the amount of the tax that should have been shown to be payable or that was sought to be evaded, or to imprisonment for a term of not more than two years or to both fine and imprisonment.

18. Section 21 of the said Act is repealed and the following substituted therefor:

21.—(1) Subsections 92 (1), (2), (4) and (5) and sections 93, 94, 94a, 94b, 94c and 95 of the *Corporations Tax Act* apply with necessary modifications for the purposes of this Act and, without limiting the generality of the foregoing, references therein to "a corporation" and "the corporation" with respect to a person liable to pay an amount under that Act Collection R.S.O. 1980, c. 97

shall be read as "an operator" and "the operator" for the purposes of this Act.

Unregistered liens discharged

(2) Any property of any kind that is, by virtue of any predecessor of this section, subject to a first lien and charge that is not registered in the proper land registry office, is absolutely discharged from such unregistered first lien and charge unless, in the case of real property, in any proceeding a claim has been made or other steps taken by the Minister with respect to such unregistered first lien and charge or, prior to the 1st day of January, 1988, a notice of such first lien and charge has been registered by the Minister in the proper land registry office.

19. Section 22 of the said Act is amended by striking out "county or district court" in the ninth line and inserting in lieu thereof "District Court".

20. Sections 23 and 24 of the said Act are repealed.

21. Subsection 25 (1) of the said Act is repealed and the following substituted therefor:

Action to recover tax, etc.

(1) If any tax, interest or penalty imposed by this Act or the reimbursement required under subsection 11 (4) is not paid when due, the same may be recovered with costs from the operator by an action to be tried without a jury at the suit of the Minister in any court of competent jurisdiction.

22. Section 26 of the said Act is repealed and the following substituted therefor:

Regulations

26.—(1) The Lieutenant Governor in Council may make regulations,

(a) prescribing rates of interest for the purposes of this Act or a formula for computing those rates and the method of calculating that interest;

(b) authorizing or requiring the Deputy Minister of Revenue or any officer of the Ministry to exercise any power or perform any duty conferred or imposed upon the Minister by this Act;

(c) prescribing anything that by this Act is to be prescribed or is to be determined by the regulations;

(d) defining any word or expression used in this Act or the regulations made under this Act that has not already been expressly defined in this Act;

(e) prescribing forms and providing for their use;

(f) prescribing the manner of determining the profit for the taxation year of an operator who is a member of a partnership or a beneficiary of a trust where the partnership or trust is operating a mine; and

(g) prescribing the manner of determining and the matters to be taken into account in determining whether there is a mine project that is a new mine or a major expansion of an existing mine for the purposes of clause 3 (6) (c) and the time at which a mine project is completed.

Regulation may be retroactive

(2) A regulation made under subsection (1) may be made effective retroactively to a date not earlier than the 1st day of January, 1974.

Transitional

23.—(1) Where,

(a) a person has delivered to the Minister, before the 15th day of May, 1986, a written notice of appeal within the time required under subsection 10 (1) of the *Mining Tax Act* as that subsection read immediately before the 15th day of May, 1986; and

(b) the appeal referred to in clause (a) has not been, before the 15th day of May, 1986,

(i) referred to the Mining and Lands Commissioner or the Ontario Municipal Board under subsection 10 (2) of the *Mining Tax Act* as that subsection read immediately before the 15th day of May, 1986, or

(ii) set down for hearing and determination by the Divisional Court under subsection 10 (4) of the *Mining Tax Act* as that subsection read immediately before the 15th day of May, 1986,

the written notice of appeal shall be deemed to be a notice of objection served on the Minister for the purposes of the application of sections 8 and 10 of the *Mining Tax Act*, as re-enacted by sections 8 and 10 respectively of this Act.

Idem

(2) All references in the provisions of the *Mining Tax Act* as they read immediately before the day this Act receives Royal Assent and which remain applicable in respect of taxation years ending on or before the 31st day of March, 1986, and in

the regulations made under the said Act, to the "mine assessor" shall be deemed to be references to the "Minister".

Idem

(3) In the application of section 9 of the *Mining Tax Act*, as re-enacted by section 9 of this Act,

(a) where an assessment, reassessment or additional assessment is made on or before the day this Act receives Royal Assent, references in section 9, as re-enacted, to the "Minister" shall be deemed to be references to the "mine assessor";

(b) where an assessment, reassessment or additional assessment is made in respect of a taxation year ending before the 1st day of April, 1986, references in subclause 9 (1) (a) (iv) and clause 9 (1) (b) to "six years" shall be read as references to "four years"; and

(c) subsection 9 (3) applies only in respect of amounts withdrawn from an employees' superannuation or pension fund or plan after the 31st day of March, 1986.

Commencement and application

24.—(1) This Act, except as provided in subsections (2) to (7), comes into force on the day it receives Royal Assent.

Idem

(2) Section 19 shall be deemed to have come into force on the 1st day of January, 1985.

Idem

(3) Subsections 1 (2), (4), (7) to (9) and section 2 of this Act, subsections 3 (1) to (11) of the said Act, as re-enacted by subsection 3 (1) of this Act, subsection 3 (2), section 4 and subsection 7 (1) of this Act shall be deemed to have come into force on the 1st day of April, 1986, and apply in respect of taxation years ending after the 31st day of March, 1986.

Idem

(4) Subsection 3 (12) to (14) of the said Act, as re-enacted by subsection 3 (1) of this Act, shall be deemed to have come into force on the 1st day of April, 1986, and apply in respect of acquisitions, transfers, dispositions and sales made after the 31st day of March, 1986.

Idem

(5) Section 9 shall be deemed to have come into force on the 1st day of April, 1986, and applies in respect of assessments, reassessments and additional assessments made after the 31st day of March, 1986, in respect of any taxation year.

Idem

(6) Subsections 1 (3) and (5) shall be deemed to have come into force on the 15th day of May, 1986.

(7) Section 10 shall be deemed to have come into force on the 15th day of May, 1986, and applies in respect of assessments issued after the 14th day of April, 1986. Idem

25. The short title of this Act is the *Mining Tax Amendment Act, 1987*. Short title

CHAPTER 12

An Act to amend the Regional Municipality of Hamilton-Wentworth Act and the Municipal Elections Act

Assented to February 12th, 1987

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause 1 (a) of the *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(a) "area municipality" means the municipality or corporation of the City of Hamilton, the Town of Dundas, the City of Stoney Creek, the Town of Ancaster, the Town of Flamborough and the Township of Glanbrook, all as constituted or continued by section 2.

2. Section 2 of the said Act is amended by adding thereto the following subsections:

City of Stoney Creek

(5) Effective the 1st day of January, 1984, The Corporation of the Town of Stoney Creek is erected into a city municipality bearing the name The Corporation of the City of Stoney Creek.

Town of Flamborough

(6) Effective the 1st day of January, 1985, The Corporation of the Township of Flamborough is erected into a town municipality bearing the name The Corporation of the Town of Flamborough.

3. Paragraphs 3 and 5 of subsection 3 (1) of the said Act are repealed and the following substituted therefor:

3. The City of Stoney Creek—seven members elected by wards and one member elected by general vote of the electors of such municipality.

. . . . .

5. The Town of Flamborough—seven members elected by wards and one member elected by general vote of the electors of such municipality.

4. Sections 6 and 7 of the said Act are repealed and the following substituted therefor:

Composition of Regional Council

6. The Regional Council shall consist of twenty-eight members composed of,

(a) a chairman elected by general vote of the electors of all the area municipalities;

(b) the mayor of each area municipality;

(c) sixteen members of council from the City of Hamilton being the remainder of the council of the City;

(d) one member of council from the Town of Dundas elected by general vote of the electors of the said area municipality as a member of the Regional Council and the council of such area municipality;

(e) one member of council from the City of Stoney Creek elected by general vote of the electors of such area municipality as a member of the Regional Council and the council of such area municipality;

(f) one member of council from the Town of Ancaster elected by general vote of the electors of such area municipality as a member of the Regional Council and the council of such area municipality;

(g) one member of council from the Town of Flamborough elected by general vote of the electors of such area municipality as a member of the Regional Council and the council of such area municipality; and

(h) the member of the council of the Township of Glanbrook elected by general vote.

Qualifications of chairman

7.—(1) A person is qualified to hold office as chairman of the Regional Council,

(a) if the person is entitled to be an elector under section 12 or 13 of the *Municipal Elections Act* for the election of members of the council of an area municipality; and R.S.O. 1980, c. 308

(b) if the person is not disqualified by this or any other Act from holding the office of chairman.

(2) For the purpose of electing the chairman of the Regional Council, Election of chairman

(a) the clerk of the area municipality with the greatest number of electors shall be the returning officer for the election;

(b) the nominations for chairman shall be filed with the clerk of the area municipality with the greatest number of electors who shall send the names of the candidates to the clerk of each of the other area municipalities by registered mail within forty-eight hours after the closing of nominations; and

(c) the clerk of each area municipality shall be the returning officer for the vote to be recorded in such area municipality and shall forthwith report the vote recorded to the clerk of the area municipality with the greatest number of electors who shall prepare the final summary and announce the vote.

5. Section 8 of the said Act, as amended by the Statutes of Ontario, 1986, chapter 46, section 4, is further amended by adding thereto the following subsection:

(3a) Where a person is elected as chairman of the Regional Council, the clerk of the area municipality with the greatest number of electors, forthwith after the election, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of the person who has been so elected and the person shall not take the office of chairman until the clerk of the Regional Corporation has received such a certificate in respect of the person. Idem

6. Subsections 11 (1), (2) and (3) of the said Act are repealed and the following substituted therefor:

(1) If a vacancy occurs in the office of chairman of the Regional Council, sections 45, 46 and 47 of the *Municipal Act* apply with necessary modifications to the filling of the vacancy as though that office were the office of mayor. Vacancy in office of chairman R.S.O. 1980, c. 302

Where chairman member of area council

(2) Where in filling a vacancy a member of the council of an area municipality becomes chairman, the person shall be deemed to have resigned as a member of such council, and the person's seat on such council thereby becomes vacant.

7. Clause 61 (b) of the said Act is repealed and the following substituted therefor:

(b) "area municipality" means the municipality or corporation of the Town of Ancaster, the Town of Dundas, the City of Stoney Creek, the Town of Flamborough and the Township of Glanbrook.

8. Subsections 62 (6), (7), (8) and (9) of the said Act are repealed.

9.—(1) Subsection 65 (1) of the said Act is amended by striking out "Township" in the second line and inserting in lieu thereof "Town".

(2) Clause 65 (2) (a) of the said Act is amended by striking out "Township" in the second line and inserting in lieu thereof "Town".

(3) Clause 65 (2) (b) of the said Act is amended by striking out "Township" in the second line and inserting in lieu thereof "Town".

10. Subsection 66 (1) of the said Act is repealed and the following substituted therefor:

Where Ontario Hydro to distribute and supply power

(1) Ontario Hydro shall continue to distribute and supply power in those areas of the towns of Ancaster and Flamborough and the Township of Glanbrook that Ontario Hydro served immediately before the 19th day of June, 1980.

11.—(1) Clause 2 (a) of the *Municipal Elections Act*, being chapter 308 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subclause:

(v) chairman of the council of The Regional Municipality of Hamilton-Wentworth.

(2) Clause 44 (7) (a) of the said Act is amended by adding thereto the following subclause:

(vi) chairman of the council of The Regional Municipality of Hamilton-Wentworth.

(3) Subsection 49 (1) of the said Act, as amended by the Statutes of Ontario, 1986, chapter 29, section 12, is further amended by adding thereto the following paragraph:

2a. In The Regional Municipality of Hamilton-Wentworth, the elector is entitled to vote once only for one candidate for chairman of the Regional Council.

(4) Section 49 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 37, section 10 and 1986, chapter 29, section 12, is further amended by adding thereto the following subsection:

One vote for chairman of Regional Council

(1a) Notwithstanding subsection (1), an elector whose name appears on the polling list for more than one polling subdivision in The Regional Municipality of Hamilton-Wentworth shall not vote in more than one of such polling subdivisions in an election for the office of chairman of the Regional Council.

Commencement

12.—(1) This Act, except sections 4, 5, 6 and 11, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 4, 5, 6 and 11 come into force on the 1st day of December, 1988.

First election of chairman

R.S.O. 1980, c. 308

(3) Notwithstanding subsection (2), the regular elections to be held in 1988 under the *Municipal Elections Act* shall be conducted as if sections 4, 5, 6 and 11 were in force.

Short title

13. The short title of this Act is the ***Regional Municipality of Hamilton-Wentworth Statute Law Amendment Act, 1987.***

CHAPTER 13

An Act to amend the Architects Act, 1984

Assented to February 12th, 1987

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of the *Architects Act, 1984*, being chapter 12, is amended by adding thereto the following clause:

(oa) "indemnity plan" means an indemnity plan established under subsection 40 (2).

2. Subsection 7 (1) of the said Act is amended by adding thereto the following paragraphs:

26a. requiring members, holders of certificates of practice or holders of temporary licences, or all of them, through participation in an indemnity plan, to obtain and maintain an indemnity against liability that may be incurred in the practice of architecture and prescribing the minimum amounts of such indemnity;

26b. exempting, subject to such terms and conditions as may be set out in the regulations, any class of members, holders of certificates of practice or holders of temporary licences from the requirement to participate in an indemnity plan and classifying members, holders of certificates of practice or holders of temporary licences for the purposes of any such exemption.

3. Subsection 8 (1) of the said Act is amended by adding thereto the following paragraph:

24a. requiring the payment and remittance of premiums and deductibles for members, holders of certificates of practice and holders of temporary licences and prescribing levies that shall be paid by members of the Association, holders of certificates of practice

and holders of temporary licences in respect of an indemnity provided under an indemnity plan.

4. Section 28 of the said Act is amended by adding thereto the following subsections:

Cancellation for failure to pay premiums, etc.

(3) The Registrar may cancel a licence, certificate of practice or temporary licence for non-payment of any premium, levy or deductible in connection with insurance against professional liability or in respect of participation in an indemnity plan, or, where the holder of the licence, certificate of practice or temporary licence has not applied to participate in the indemnity plan or ceases to meet the terms and conditions of exemption from participation in an indemnity plan, after giving the member or holder at least ten days notice of the default and intention to cancel, subject to the continuing jurisdiction of the Association in respect of any disciplinary action arising out of the member's or holder's professional conduct while a member or holder.

Reinstatement

(4) A person who was a member or a holder of a certificate of practice or temporary licence whose licence, certificate of practice or temporary licence was cancelled by the Registrar under subsection (3) is entitled to have the licence, certificate of practice or temporary licence reinstated upon payment of all unpaid premiums, levies and deductibles and upon satisfying any other requirements prescribed by the regulations.

5. Section 40 of the said Act is repealed and the following substituted therefor:

Professional liability insurance, indemnity plan

40.—(1) No member of the Association, holder of a certificate of practice or holder of a temporary licence shall engage in the practice of architecture,

(a) unless insured against professional liability in accordance with the regulations or in accordance with arrangements made under clause (2) (a);

(b) unless, where required by the regulations, the member or holder participates in an indemnity plan; or

(c) unless exempted by the regulations from the requirements of clauses (a) and (b).

Idem

(2) The Association,

(a) may make arrangements respecting insurance against professional liability for members of the

Association, holders of certificates of practice and holders of temporary licences;

(b) may establish, maintain and administer an indemnity plan to provide an indemnity against professional liability for members of the Association, holders of certificates of practice and holders of temporary licences.

Premiums

(3) The Association may set premiums and establish levies in respect of indemnity plans and arrangements under subsection (2) and prescribe terms and conditions in relation to any such indemnity plan or arrangement.

Non-application of R.S.O. 1980, c. 218

(4) The *Insurance Act* does not apply in respect of an indemnity plan.

6. Section 51 of the said Act is repealed and the following substituted therefor:

Immunity

51.—(1) No action or other proceeding for damages shall be instituted against the Association, a member of the Council, a member of the Association, a member of a committee of the Association, the chairman or any other member of the Joint Practice Board or an officer, employee, agent or appointee of the Association for any act done in good faith in the performance or intended performance of a duty or in the exercise or the intended exercise of a power under this Act or the *Professional Engineers Act, 1984*, a regulation or a by-law, or for any neglect or default in the performance or exercise in good faith of such duty or power.

1984, c. 13

Indemnification

(2) Every person who is a member of the Council, a member of the Association, a member of a committee of the Association, the chairman or other member of the Joint Practice Board or an officer, employee, agent or appointee of the Association, and the person's heirs, executors and administrators, and estate and effects, respectively, may, with the consent of the Council, from time to time and at all times, be indemnified and saved harmless out of the funds of the Association, from and against,

(a) all costs, charges and expenses whatsoever that the person sustains or incurs in or about any action, suit or proceeding that is brought, commenced or prosecuted against the person, for or in respect of any act, deed, matter or thing whatsoever, made, done or committed by the person, in the performance or intended performance of a duty or in the exercise or in the intended exercise of a power under this Act

1984, c. 13

or the *Professional Engineers Act, 1984*, a regulation or a by-law, or for any neglect or default in the performance or exercise in good faith of such duty or power or otherwise in or about the execution of such duties; and

(b) all other costs, charges and expenses that the person sustains or incurs in or about or in relation to the affairs thereof, except such costs, charges or expenses as are occasioned by the person's own wilful neglect or default.

Commencement

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. The short title of this Act is the *Architects Amendment Act, 1987*.

CHAPTER 14

An Act to amend the Equality Rights Statute Law Amendment Act, 1986

Assented to February 12th, 1987

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. **Subsection 70 (4) of the *Equality Rights Statute Law Amendment Act, 1986*, being chapter 64, is amended by striking out "April" in the second line and inserting in lieu thereof "June".**

2. **This Act comes into force on the day it receives Royal Assent.** Commencement

3. **The short title of this Act is the *Equality Rights Statute Law Amendment Amendment Act, 1987*.** Short title

CHAPTER 15

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1987

Assented to February 12th, 1987

MOST GRACIOUS SOVEREIGN:

Whereas it appears by messages from the Honourable Lincoln Alexander, Lieutenant Governor of the Province of Ontario, and from the estimates and supplementary estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1987; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

$21,727,271,100 granted for fiscal year 1986-87

1.—(1) There may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole $21,727,271,100 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1986, to the 31st day of March, 1987, as set forth in the Schedule to this Act, and, subject to subsection (2), such sum shall be paid and applied only in accordance with the votes and items of the estimates and supplementary estimates upon which the Schedule is based.

Exception

(2) Where, in the fiscal year ending the 31st day of March, 1987, powers and duties are assigned and transferred from one minister of the Crown to another minister of the Crown, the appropriate sums in the votes and items of the estimates and supplementary estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to time as required by certificate of the Management Board of Cabinet to the ministry administered by the minister to whom the powers and duties are so assigned and transferred.

Accounting for expenditure

2. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Supply Act, 1987*.

SCHEDULE

	ESTIMATES	SUPPLEMENTARY ESTIMATES	TOTAL
	$	$	$
Agriculture and Food	338,334,000	62,953,300	401,287,300
Attorney General	246,337,000	2,007,900	248,344,900
Cabinet Office	6,228,000		6,228,000
Citizenship and Culture	169,920,500	29,536,000	199,456,500
Colleges and Universities	1,776,796,800	93,245,000	1,870,041,800
Community and Social Services	2,463,756,900	91,322,200	2,555,079,100
Consumer and Commercial Relations	82,596,400	9,187,500	91,783,900
Correctional Services	250,509,200		250,509,200
Education	2,147,286,700	184,085,000	2,331,371,700
Energy	36,250,200		36,250,200
Environment	289,915,100	6,670,000	296,585,100
Financial Institutions	19,177,200		19,177,200
Government Services	364,719,100	2,200,000	366,919,100
Health	8,008,454,100	188,776,900	8,197,231,000
Housing	276,643,800	3,041,600	279,685,400
Industry, Trade and Technology	191,947,200	9,454,000	201,401,200
Intergovernmental Affairs	4,817,800		4,817,800
Labour	73,138,300	2,858,900	75,997,200
Management Board	185,233,700		185,233,700
Municipal Affairs	486,962,800	18,714,800	505,677,600
Natural Resources	374,115,400	36,060,000	410,175,400
Northern Development and Mines	157,081,400	27,169,000	184,250,400
Office of the Assembly	67,251,500	6,677,400	73,928,900
Office of the Chief Election Officer	359,600	22,900	382,500
Office Responsible for Disabled Persons	1,418,800		1,418,800
Office of the Lieutenant Governor	382,000		382,000
Office Responsible for Native Affairs	1,260,000		1,260,000
Office of the Ombudsman	5,261,700	100,000	5,361,700
Office of the Premier	1,449,100		1,449,100
Office of the Provincial Auditor	4,771,200	465,000	5,236,200
Office Responsible for Senior Citizens Affairs	3,286,900		3,286,900
Office Responsible for Women's Issues	8,342,000		8,342,000
Revenue	490,898,800		490,898,800
Skills Development	347,118,900	34,320,000	381,438,900
Solicitor General	280,709,900		280,709,900
Tourism and Recreation	113,971,300	20,424,300	134,395,600
Transportation and Communications	1,403,211,000	41,350,000	1,444,561,000
Treasury and Economics	176,715,100		176,715,100
TOTAL	20,856,629,400	870,641,700	21,727,271,100

CHAPTER 16

An Act to amend the Regional Municipality of Haldimand-Norfolk Act

Assented to May 21st, 1987

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 76 of the *Regional Municipality of Haldimand-Norfolk Act*, being chapter 435 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

76. In this Part, Definitions

"commercial assessment" means the total, according to the last returned assessment roll, of,

(a) the assessment of real property that is used as the basis for computing business assessment including the assessment for real property that is rented and occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal or regional corporation or local board thereof,

(b) business assessment, and

(c) the assessment for mineral lands, pipe lines and railway lands, other than railway lands actually in use for residential and farming purposes;

"public school board" means a public board as defined in paragraph 42a of subsection 1 (1) of the *Education Act*; R.S.O. 1980, c. 129

"rateable property" includes business and other assessment made under the *Assessment Act*; R.S.O. 1980, c. 31

"regional rating by-law" means a by-law passed under subsection 79 (2);

"residential and farm assessment" means the total assessment for real property according to the last returned assessment roll except the assessments for real property mentioned in clauses (a) and (c) of the definition of "commercial assessment";

"separate school board" means a separate school board as defined in paragraph 59a of subsection 1 (1) of the *Education Act*; R.S.O. 1980, c. 129

"weighted assessment" means for the relevant area the total of,

(a) the product obtained by multiplying the residential and farm assessment by 85 per cent, and

(b) the commercial assessment.

2. Section 79 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 45, section 7 and sections 80, 81, 82 and 83 are repealed and the following substituted therefor:

Definition

79.—(1) In this section, "total net regional levy" means a sum sufficient,

(a) for payment of the estimated current annual expenditures as adopted under section 78; and

(b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act,

but excludes those amounts for water and sewage purposes that are to be raised by a special rate or rates in accordance with sections 74 and 75.

Regional rating by-law

(2) For purposes of raising the total net regional levy, the Regional Council, on or before the 30th day of June in 1987 and on or before the 31st day of March in each subsequent year, shall pass a by-law directing the council of each area municipality to levy a separate rate, as specified in the by-law, on the residential and farm assessment in the area municipality rateable for regional purposes and on the commercial assessment in the area municipality rateable for regional purposes.

Determination of commercial rate

(3) The rate that the Regional Council shall direct to be levied on commercial assessment under subsection (2) shall be determined by multiplying the total net regional levy by 1,000 and dividing the product by the total of the weighted assessments for all the area municipalities.

Determination of residential rate

(4) The rate that the Regional Council shall direct to be levied on the residential and farm assessment under subsection (2) shall be 85 per cent of the rate that it directs to be levied on commercial assessment.

Area municipality to adopt rates

(5) In each year, the council of each area municipality shall levy, in accordance with the regional rating by-law passed for that year, the rates specified in the by-law.

Tax exempt real property

(6) The assessment for real property that is exempt from taxation for regional purposes by virtue of any Act or by virtue of a by-law passed by the council of an area municipality under any Act shall not be included when determining the total of the weighted assessments for all the area municipalities for purposes of subsection (3).

Full value to be used

(7) The full value of all rateable property shall be used in determining,

(a) the rates to be levied under subsections (3) and (4); and

(b) the assessment on which the levy shall be made under subsection (5),

and, notwithstanding any other Act, but subject to section 22 of the *Assessment Act*, no fixed assessment applies thereto. R.S.O. 1980, c. 31

Instalment and advance payments

(8) A regional rating by-law shall specify the amount to be raised in an area municipality as a result of a levy being made in that area municipality in accordance with the by-law and the by-law,

(a) may require specified portions of that amount to be paid to the treasurer of the Regional Corporation on or before specified dates; and

(b) may provide that the Regional Corporation shall pay interest at a rate to be determined by the Regional Council on any payment required, or portion thereof, made in advance by any area municipality.

Payment

(9) The amount specified to be raised in an area municipality pursuant to a regional rating by-law shall be deemed to be taxes and is a debt of the area municipality to the Regional Corporation and the treasurer of the area municipality shall pay the amount owing by the area municipality to the treasurer of the Regional Corporation on or before the dates and in the portions specified in the regional rating by-law.

Default

(10) If an area municipality fails to make any payment, or portion thereof, as provided in the regional rating by-law, the area municipality shall pay to the Regional Corporation interest on the amount in default at the rate of 15 per cent per annum from the due date of the payment, or such lower rate as the Regional Council may by by-law determine, from the date payment is due until it is made.

Extension of time

(11) The Minister by order may extend the time for passing a regional rating by-law in any year and such an order may be made notwithstanding that the time limit set out in subsection (2) has expired.

Alternative basis of apportionment R.S.O. 1980, c. 359

(12) Notwithstanding subsections (3) and (4), in each of the years 1987, 1988 and 1989, the Lieutenant Governor in Council may in a regulation made under section 9a of the *Ontario Unconditional Grants Act*, prescribe an alternative basis on which apportionments are to be made and may prescribe the manner of determining the mill rates to be specified and determined under subsection (2).

Deeming provision

(13) A basis of apportionment prescribed by the Lieutenant Governor in Council under subsection (12) shall be deemed to have been prescribed under subsection 9a (1) of the *Ontario Unconditional Grants Act* as an alternative to the basis of apportionment that would have been prescribed for the Regional Area under subsection 9a (1) if the Regional Area had not been subject to an assessment update under subsection 82 (1).

Determination of school rates

79a.—(1) In each year, The Brant County Roman Catholic Separate School Board, The Haldimand Board of Education, The Haldimand-Norfolk Roman Catholic Separate School Board, The Norfolk Board of Education, The Oxford County Roman Catholic Separate School Board and The Welland County Roman Catholic Separate School Board shall determine the rates to be levied by the applicable area municipalities to provide the sums required for elementary and secondary school purposes, as the case may be, in that year and shall specify the amount that is to be provided in that year by the application of those rates within an area municipality.

Idem

(2) The determinations required by subsection (1) shall be made in accordance with subsection 222 (1) of the *Education Act*. R.S.O. 1980, c. 129

Direction to area municipalities

(3) On or before the 1st day of March in each year, The Brant County Roman Catholic Separate School Board, The Haldimand Board of Education, The Haldimand-Norfolk Roman Catholic Separate School Board, The Norfolk Board of Education, The Oxford County Roman Catholic Separate School Board and The Welland County Roman Catholic Separate School Board shall direct the council of each applicable area municipality to levy the rates determined by the particular Board in respect of that area municipality under subsection (1) and shall advise the area municipality of the amount of money to be raised by levying those rates.

Area municipality to levy and collect

(4) In each year the council of an area municipality shall levy rates in accordance with the directions under subsection (3) upon all property in the area municipality rateable for public school board or separate school board purposes, as may be appropriate.

Full value to be used

(5) The full value of all applicable rateable property shall be used in determining,

(a) the weighted assessment for each area municipality for purposes of apportioning among the applicable area municipalities the sums required for school purposes by the school boards mentioned in subsection (3);

(b) the rates mentioned in subsection (1); and

(c) the assessment upon which the rates are to be levied under sections 128, 133 and 215 of the *Education Act*, R.S.O. 1980, c. 129

and notwithstanding any other Act, but subject to section 22 of the *Assessment Act*, no fixed assessment applies thereto. R.S.O. 1980, c. 31

School rates for Haldimand-Norfolk

(6) Notwithstanding subsection (2) and clause (5) (a), in each year, The Haldimand-Norfolk Roman Catholic Separate School Board may, as it considers reasonable, alter the apportionment of its requirements, such that the rates to be levied for elementary school purposes in that area of its jurisdiction that comprised the County of Haldimand on March 31, 1974 will differ from those rates to be levied for elementary school purposes in that area of its jurisdiction that comprised the County of Norfolk on March 31, 1974.

Definitions in R.S.O. 1980, c. 129, s. 220

(7) For the purposes of determining and levying rates under this section, a reference in the *Education Act* to "commercial assessment" or "residential and farm assessment" shall be deemed to be a reference to such assessments as defined in this Part and not as defined in section 220 of that Act.

Non-application of R.S.O. 1980, c. 129, s. 219 (2)

(8) Subsection 219 (2) of the *Education Act* does not apply to the determination of rates under subsection (1).

Application of R.S.O. 1980, c. 129

(9) Except as provided in this section, the *Education Act* continues to apply to the levying of rates and collecting of taxes for each public school board and separate school board having jurisdiction in part of the Regional Area.

Definitions

79b.—(1) In this section,

R.S.O. 1980, c. 302

"area municipality levy" means the amount required for area municipality purposes under section 164 of the *Municipal Act* including the sums required for any board, commission or other body, but excluding those amounts required to be raised for regional and school purposes;

"special area municipality levy" means an amount to be raised by an area municipality that is not included in the area municipality levy, but excluding those amounts required to be raised for regional and school purposes.

Area municipality levies

(2) The council of each area municipality, in each year in accordance with subsections (3) and (4), shall levy separate rates on the whole of the rateable commercial assessment and on the whole of the rateable residential and farm assessment in respect of the area municipality levy and the special area municipality levy.

Determination of commercial rates

(3) The rates to be levied in each year, on commercial assessment for each separate levy specified in subsection (2), shall be determined by multiplying the sum required for each such levy by 1,000 and dividing the product,

(a) by the weighted assessment for the area municipality, in the case of an area municipality levy; and

(b) by the weighted assessment determined on the basis of the assessment that is rateable for the purpose of raising the special area municipality levy, in the case of a special area municipality levy.

Determination of residential rates

(4) The rates to be levied in each year, on residential and farm assessment for each separate levy specified in subsection (2), shall be 85 per cent of the rate to be levied on commercial assessment in accordance with subsection (3).

Non-application of R.S.O. 1980, c. 302, s. 158 and c. 359, s. 7

(5) Section 158 of the *Municipal Act* and section 7 of the *Ontario Unconditional Grants Act* do not apply to an area municipality.

Area municipality levy

(6) A reference in any other Act to a levy by a local municipality under section 158 of the *Municipal Act* shall, with respect to an area municipality, be deemed to be a reference to a levy under this section.

Tax exempt real property

(7) The assessment for real property that is exempt from taxation for area municipality purposes by virtue of any Act or by virtue of a by-law passed by the council of an area municipality under any Act shall not be included when determining the weighted assessment for purposes of clause (3) (a) or (b).

Interim financing, Regional Council

79c.—(1) The Regional Council, before the adoption of the estimates for the year, may by by-law requisition from each area municipality a sum not exceeding 50 per cent of the amount that under subsection 79 (8) was, in the regional rating by-law for the preceding year, specified to be raised in the particular area municipality and subsections 79 (8), (9) and (10) apply with necessary modifications to the amount requisitioned.

Final instalment reduced

(2) The amount of any requisition made under subsection (1) in any year upon an area municipality shall be deducted when determining the amount of the portions to be paid in that year by the area municipality to the treasurer of the Regional Corporation under the regional rating by-law authorized by clause 79 (8) (a).

Interim financing, area municipalities

79d.—(1) The council of an area municipality may for any year, before the adoption of the estimates for the year, levy such rates as it may determine on the rateable commercial assessment and on the rateable residential and farm assessment in the area municipality.

By-law in December of preceding year

(2) A by-law for levying rates under subsection (1) shall be passed in the year that the rates are to be levied or may be passed in December of the preceding year if it provides that it does not come into force until a specified day in the following year.

Determination of rate

(3) The rate that may be levied on any assessment under subsection (1) shall not exceed 50 per cent of the total of the rates that were levied or would have been levied on that assessment for all purposes in the preceding year.

Assessment roll

(4) If the assessment roll for taxation in the current year has not been returned, the rate levied under subsection (1) may be levied on the assessment according to the assessment roll used for taxation purposes in the preceding year.

Interim levy deducted from final levy

(5) The amount of any levy made on an assessment under subsection (1) shall be deducted from the total amount levied on that assessment for that year under sections 79, 79a and 79b.

Interim levy in excess of final levy

(6) Where the taxes levied on an assessment for real property or on a business assessment under this section exceed the taxes to be levied on that assessment for the year under sections 79, 79a and 79b, the treasurer of the area municipality shall, not later than twenty-one days following the giving of a notice of demand of taxes payable, refund to the person assessed that portion of the taxes paid in excess of the amount payable for the year pursuant to a levy made under sections 79, 79a and 79b.

Application of R.S.O. 1980, c. 302

(7) The provisions of the *Municipal Act* with respect to the levy of rates and the collection of taxes apply with necessary modifications to the levy of rates and collection of taxes under this section.

Power of Minister

79e. Where a direction has been made under subsection 82 (1) that a new assessment roll be returned for taxation in the current year, the Minister by order,

(a) may prescribe the maximum sum that may be requisitioned from each area municipality under subsection 79c (1); and

(b) may prescribe the maximum rates that may be levied by the council of each area municipality under subsection 79d (1).

Definitions

80.—(1) In this section,

"payment in lieu of taxes" means an amount that an area municipality is eligible to receive under,

R.S.O. 1980, c. 31

(a) subsection 26 (3), (4) or (5) of the *Assessment Act*,

R.S.O. 1980, c. 209

(b) subsection 7 (6) of the *Housing Development Act*,

but not including that portion payable to a school board in accordance with subsection 7 (10) of that Act,

(c) section 160 and subsection 160a (3) of the *Municipal Act*, R.S.O. 1980, c. 302

(d) subsection 4 (1), (2) or (3) of the *Municipal Tax Assistance Act*, R.S.O. 1980, c. 311

(e) section 42 of the *Ontario Water Resources Act*, R.S.O. 1980, c. 361

(f) subsection 46 (2), (3), (4) or (5) of the *Power Corporation Act*, but not including that portion payable to a school board in accordance with subsection 46 (9) of that Act, R.S.O. 1980, c. 384

(g) subsection 133 (6) of this Act,

(h) section 10 or 11 of the *Trees Act*, R.S.O. 1980, c. 510

(i) the *Municipal Grants Act, 1980* (Canada), or 1980-81-82-83, c. 37 (Can.)

(j) any Act of Ontario or of Canada or any agreement where the payment is from any government or government agency and is in lieu of taxes on real property or business assessment, but not including a payment referred to in section 498 of the *Municipal Act*; R.S.O. 1980, c. 302

"taxes for local purposes" means the taxes levied by an area municipality for local purposes under subsection 79b (2), excluding any adjustments under section 32 or 33 of the *Assessment Act*; R.S.O. 1980, c. 31

"taxes for regional purposes" means the sum of the taxes levied by an area municipality for regional purposes under subsection 79 (2) and in respect to an urban service area established under sections 74 and 75, excluding any adjustments under section 32 or 33 of the *Assessment Act*;

"total taxes for all purposes" means the sum of the taxes for local purposes, the taxes for regional purposes and the taxes levied by the area municipality for school purposes under section 79b, excluding any adjustments under section 32 or 33 of the *Assessment Act*.

Area municipalities to share payments in lieu of taxes

(2) Where an area municipality is eligible to receive a payment in lieu of taxes for any year, it shall pay to the treasurer of the Regional Corporation a portion equal to the amount

obtained by multiplying the amount that the area municipality is eligible to receive by the quotient, correct to five decimal places, obtained by dividing the taxes for regional purposes for the year by the total of,

(a) the taxes for local purposes for the year; and

(b) the taxes for regional purposes for the year.

Sharing of certain payments

(3) Notwithstanding subsection (2), if an area municipality is eligible to receive a payment in lieu of taxes for any year under,

R.S.O. 1980, c. 31

(a) subsection 26 (3), (4) or (5) of the *Assessment Act*;

R.S.O. 1980, c. 361

(b) section 42 of the *Ontario Water Resources Act*;

R.S.O. 1980, c. 384

(c) subsection 46 (2), (3), (4) or (5) of the *Power Corporation Act*, but not including that portion payable to a school board in accordance with subsection 46 (9) of that Act;

(d) subsection 133 (6) of this Act;

R.S.O. 1980, c. 510

(e) section 10 or 11 of the *Trees Act*; or

1980-81-82-83, c. 37 (Can.)

(f) the *Municipal Grants Act, 1980* (Canada),

and the calculation of the payment is based in part on the rates that were levied for school purposes, then the portion to be paid under subsection (2) shall be calculated by multiplying the amount that the area municipality is eligible to receive by the quotient, correct to five decimal places, obtained by dividing the taxes for regional purposes for the year by the total taxes for all purposes for the year.

Treasurer to provide estimate of share

(4) The treasurer of each area municipality shall, on or before the 1st day of March in each year, send a statement to the treasurer of the Regional Corporation and each school board showing an estimate of the amount that the area municipality will be required to pay to the Regional Corporation for the year under subsection (2) and to each school board under subsection 7 (10) of the *Housing Development Act* and under subsection 46 (9) of the *Power Corporation Act*.

R.S.O. 1980, cc. 209, 384

Allocation of payments in lieu of taxes

(5) Where an area municipality is required to pay a portion of a payment in lieu of taxes to the Regional Corporation under subsection (2), or to a school board, the provisions of,

R.S.O. 1980, c. 31

(a) subsections 26 (7) and (9) of the *Assessment Act*;

(b) subsection 7 (10) of the *Housing Development Act*; R.S.O. 1980, c. 209

(c) subsections 160 (12) and (16) and subsection 160a (4) of the *Municipal Act*; and R.S.O. 1980, c. 302

(d) subsection 46 (7) of the *Power Corporation Act*, R.S.O. 1980, c. 384

with respect to the equalization of assessment or allocation and deposit of payments shall not apply to that entitlement.

Payment of portion of telephone and telegraph tax

81.—(1) Each area municipality shall pay a portion of the tax levied by it under subsections 161 (12) and (13) of the *Municipal Act* to the Regional Corporation and appropriate public school boards in the proportion that the taxes levied by it on commercial assessment in the year for each such body bears to the total taxes levied by it in the year on commercial assessment for all purposes, other than separate school board purposes.

Exclusion of taxes added to collector's roll

(2) In determining the taxes levied on commercial assessment under subsection (1), there shall be excluded any adjustments under section 32 or 33 of the *Assessment Act*.

Statement by treasurer

(3) The treasurer of each area municipality shall, on or before the 1st day of March in each year, send a statement to the treasurer of the Regional Corporation and the appropriate public school boards showing an estimate of the amount which the area municipality will be required to pay to that body for the year under subsection (1).

Exclusion of R.S.O. 1980, c. 302, s. 161 (18-24)

(4) Subsections 161 (18) to (24) of the *Municipal Act* do not apply if payments are made by an area municipality under subsection (1).

Payment in lieu and telephone and telegraph levies

81a.—(1) An amount payable by an area municipality to,

(a) the Regional Corporation under subsection 80 (2) or 81 (1);

(b) a public school board under subsection 81 (1); or

(c) a school board under subsection 7 (10) of the *Housing Development Act* or under subsection 46 (9) of the *Power Corporation Act*, R.S.O. 1980, cc. 209, 384

is a debt of the area municipality to the Regional Corporation or school board, as the case may be, and, subject to subsections (2) and (3), instalments are payable on account thereof as follows:

1. A first instalment equal to 25 per cent of the amount payable for the same purposes in the preceding year, on or before the 31st day of March.

2. A second instalment of 25 per cent of the amount payable for the same purposes in the preceding year, on or before the 30th day of June.

3. A third instalment of 25 per cent of the amount payable for the same purposes in the preceding year, on or before the 30th day of September.

4. A fourth instalment of the balance of the entitlement for the year, on or before the 15th day of December.

Alternative payment schedule

(2) The Regional Council may by by-law provide for an alternative number of instalments and due dates for amounts payable by area municipalities to the Regional Corporation under subsection (1).

Idem

(3) Where a school board having jurisdiction within the Regional Area has established an agreement which applies to one or more area municipalities in accordance with subsection 215 (3) of the *Education Act*, the number of instalments and due dates specified in that agreement shall apply, with necessary modifications, to those amounts otherwise payable to the school board under subsection (1).

R.S.O. 1980, c. 129

General revenues

(4) An amount payable by an area municipality under subsection 80 (2) or 81 (1) or under subsection 7 (10) of the *Housing Development Act* or under subsection 46 (9) of the *Power Corporation Act* shall be credited by the Regional Corporation or school board to its general revenues.

R.S.O. 1980, cc. 209, 384

Default

(5) If an area municipality fails to make any payment as provided under subsection (1) or as altered under subsection (2) or (3), the area municipality shall pay to the Regional Corporation or school board, as applicable, interest on the amount past due at the rate of 15 per cent per annum, or at such lower rate as the school board or Regional Corporation may by by-law determine from time to time.

Overpayment

(6) Where the total amount paid for the year under subsection (1), (2) or (3) exceeds the total amount payable for that purpose in the year, the area municipality shall notify the Regional Corporation or the school board, as the case may be, of the amount of the overpayment and the Regional Corporation or school board shall forthwith pay that amount to the area municipality.

Region-wide assessment update

82.—(1) If the Minister of Revenue considers that, within any class or classes of real property within the Regional Area, any parcel or parcels of real property are assessed inequitably with respect to the assessment of any other parcel or parcels of real property of that class, the Minister of Revenue may direct that such changes be made in the assessment to be contained in the assessment roll next to be returned for each area municipality as will, in the Minister's opinion, eliminate or reduce inequalities in the assessment of any class or classes of real property, and the Minister of Revenue may, for that purpose, make regulations,

(a) prescribing the classes of real property into which the real property in the Regional Area shall be divided for the purpose of this subsection;

(b) prescribing standards and procedures to be used for the purpose of equalizing and making equitable the assessments of all real property belonging to the same class throughout the Regional Area;

(c) providing that any equalization of assessment pursuant to a regulation made under clause (b) shall not alter, as between classes of real property throughout the Regional Area, the relative level of assessment at market value previously existing among such classes, or providing that the equalization shall alter such levels of assessment at market value no more than is reasonably necessary to provide equitability of assessment within each class.

Application of new assessment roll

(2) If the assessment roll of an area municipality for taxation in any year is changed pursuant to a direction of the Minister of Revenue under subsection (1),

(a) the assessment roll to be returned for that area municipality for taxation in that year shall be the assessment roll as so changed and not the assessment roll that would otherwise have been returned; and

(b) the assessment roll to be returned in each year following that year shall be the assessment roll returned under clause (a) as amended, added to, or otherwise altered under the *Assessment Act* up to the date when the assessment roll is returned in each such following year.

R.S.O. 1980, c. 31

Exception

(3) Notwithstanding subsection (2), where the assessor is of the opinion that an assessment to be shown on the assessment

roll to be returned is inequitable with respect to the assessment of similar real property in the vicinity, the assessor may alter the value of the assessment to the extent necessary to make the assessment equitable with the assessment of such similar real property.

Status of assessment roll

(4) For the purpose of every Act, the assessment roll of an area municipality returned under subsection (2) shall be deemed to be the assessment roll of the area municipality returned under the *Assessment Act*.

Mandatory return of updated roll every fourth year

(5) In every fourth year following the most recent direction under subsection (1), the Minister of Revenue shall make a direction under subsection (1) for changes to be made to the assessment rolls of the area municipalities.

Resolution required

(6) The Minister of Revenue shall not make a direction under subsection (1) unless the Regional Council by resolution has requested that a direction be made, but a resolution is not required where a direction of the Minister of Revenue is made as required under subsection (5).

Provisions of R.S.O. 1980, c. 31

(7) Except as provided in subsection (1), the *Assessment Act* and the alterations, corrections, additions and amendments authorized by that Act apply to an assessment roll returned under subsection (2).

Idem

(8) Subsections 63 (1) and (3) and sections 64 and 65 of the *Assessment Act* do not apply to an area municipality or to the assessment roll of any area municipality in respect of 1987 and subsequent years.

Powers on appeal

(9) The Assessment Review Board, the Ontario Municipal Board or any court, in determining the value at which any real property shall be assessed in any complaint, appeal, proceeding or action, shall have reference to the value at which similar real property in the vicinity is assessed, and the amount of any assessment of real property shall not be altered unless the Assessment Review Board, Ontario Municipal Board or court is satisfied that the assessment is inequitable with respect to the assessment of similar real property in the vicinity, and in that event the assessment of the real property shall not be altered to any greater extent than is necessary to make the assessment equitable with the assessment of such similar real property.

Where property described in class prescribed under subs. (1)

(10) Notwithstanding that a complaint, appeal, proceeding or action concerns an assessment made for taxation in a year prior to the year for which classes of real property were prescribed for the Regional Area under subsection (1), for the

purpose of determining the value at which any real property shall be assessed in any complaint, appeal, proceeding or action, real property described in a class prescribed under subsection (1) for the Regional Area is not similar to real property described in another class prescribed under subsection (1) for the Regional Area, and the inclusion of real property within a class so prescribed does not indicate that the real property is similar to other real property in that class.

No amendment to collector's roll
R.S.O. 1980, c. 31

(11) No amendment shall be made to the assessment or a collector's roll under clause 33 (a) of the *Assessment Act* until the cumulative value of the increase since the date of the most recent change to the assessment roll under a direction of the Minister of Revenue under subsection (1) is at least in the sum of $5,000 at market value or, if the assessment in the Regional Area is at less than market value, at an equivalent rate.

Table of rates for pipe lines

(12) For purposes of subsection 24 (16a) of the *Assessment Act*, changes made in the assessment roll of an area municipality under a direction of the Minister of Revenue under subsection (1) shall be deemed to be an update of the assessment of all property within the area municipality under subsection 63 (3) of the *Assessment Act*.

Rights of appeal preserved

(13) Nothing in section 79, 79a or 79b in any way deprives any person of any right of appeal provided for in the *Assessment Act* or affects the operation of subsection 36 (6) of that Act.

Regulations may be retroactive

(14) A regulation made under subsection (1) may be made retroactive to the 1st day of December of the year preceding the year in which it was made.

Conservation Authority apportionments

83.—(1) Where changes are made in the assessment rolls of area municipalities under a direction of the Minister of Revenue under subsection 82 (1) and the changes directly affect the relative cost sharing of conservation authority responsibilities for any municipality beyond the Regional Area or cause within the Regional Area substantial tax shifts between municipalities, property classes or individual properties, the Lieutenant Governor in Council, may in order to minimize such effects, make regulations prescribing an alternative basis of apportionment to that specified under the *Conservation Authorities Act*.

R.S.O. 1980, c. 85

Regulation may be retroactive

(2) A regulation made under subsection (1) may be made retroactive to a date not earlier than the 1st day of January of the year in which it was made.

Transition

3. Nothing in this Act affects the validity of an interim levy made by the Regional Council or by the council of an area municipality under section 81 of the *Regional Municipality of Haldimand-Norfolk Act* as it existed before the coming into force of this Act and subsections 79 (8), (9) and (10) and subsection 79c (2) of that Act, as enacted by this Act, apply with necessary modifications to the interim levy made by the Regional Council in 1987 and subsections 79d (4), (5) and (6) of that Act, as enacted by this Act, apply with necessary modifications to an interim levy made by an area municipality in 1987.

Idem
R.S.O. 1980, cc. 302, 129

4. Notwithstanding subsection 164 (2) of the *Municipal Act* or subsection 216 (2) of the *Education Act*, where the amount levied by an area municipality for regional purposes or school purposes in 1986 differs from the sum the area municipality ought to have levied for regional purposes or school purposes, the area municipality shall debit or credit such deficit or surplus, as applicable, to the general funds of the municipality and not revise the rates to be levied for such body in 1987.

Commencement

5. This Act shall be deemed to have come into force on the 1st day of January, 1987.

Short title

6. The short title of this Act is the *Regional Municipality of Haldimand-Norfolk Amendment Act, 1987*.

CHAPTER 17

An Act to amend the Municipal Act and the Education Act

Assented to May 21st, 1987

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 365 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1984, chapter 45, section 18, is further amended by adding thereto the following subsection:

(20) This section and sections 366 and 368 do not apply in a county where an assessment update has been carried out under subsection 368b (2). Where assessment update carried out

2. The said Act is amended by adding thereto the following sections:

368a. In sections 368b to 368l, Definitions

"commercial assessment" means the total, according to the last returned assessment roll, of,

(a) the assessment of real property that is used as the basis for computing business assessment including the assessment for real property that is rented and occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal or regional corporation or local board thereof,

(b) business assessment, and

(c) the assessment for mineral lands, pipe lines and railway lands, other than railway lands actually in use for residential and farming purposes;

"lower tier municipality" means a town, village or township in a county, but excludes a separated town or separated township;

"public school board" means a public board as defined in paragraph 42a of subsection 1 (1) of the *Education Act*; R.S.O. 1980, c. 129

"residential and farm assessment" means the total assessment for real property according to the last returned assessment roll except the assessments for real property mentioned in clauses (a) and (c) of the definition of "commercial assessment";

"separate school board" means a separate school board as defined in paragraph 59a of subsection 1 (1) of the *Education Act*;

"weighted assessment" means for the relevant area the total of,

(a) the product obtained by multiplying the residential and farm assessment by 85 per cent, and

(b) the commercial assessment.

Interpretation

368b.—(1) For the purposes of this section and sections 368c, 368d, 368f and 368g, "county" includes any cities, separated towns and separated townships situate in the county.

County-wide assessment update

(2) If the Minister of Revenue considers that, within any class or classes of real property within a county, any parcel or parcels of real property are assessed inequitably with respect to the assessment of any other parcel or parcels of real property of that class, the Minister of Revenue may direct that such changes be made in the assessment to be contained in the assessment roll next to be returned for each local municipality as will, in the Minister's opinion, eliminate or reduce inequalities in the assessment of any class or classes of real property, and the Minister of Revenue may, for that purpose, make regulations,

(a) prescribing the classes of real property into which all the real property in the county shall be divided for the purpose of this subsection;

(b) prescribing standards and procedures to be used for the purpose of equalizing and making equitable the assessments of all real property belonging to the same class throughout the county;

(c) providing that any equalization of assessment pursuant to a regulation made under clause (b) shall not alter, as between classes of real property throughout the county, the relative level of assessment at market value previously existing among such classes, or providing that the equalization shall alter such levels of assessment at market value no more than is reasonably necessary to provide equitability of assessment within each class.

Resolution required

(3) The Minister of Revenue shall not make a direction under subsection (2) unless,

(a) the council of the county; and

(b) the councils of a majority of the local municipalities in the county,

have requested by resolution that a direction be made but a resolution is not required where a direction of the Minister of Revenue is made as required under subsection (7).

Application of new assessment roll

(4) If the assessment roll of a local municipality for taxation in any year is changed pursuant to a direction of the Minister of Revenue under subsection (2),

(a) the assessment roll to be returned for that local municipality for taxation in that year shall be the assessment roll as so changed and not the assessment roll that would otherwise have been returned; and

(b) the assessment roll to be returned in each year following that year shall be the assessment roll returned under clause (a) as amended, added to, or otherwise altered under the *Assessment Act* up to the date when the assessment roll is returned in each such following year.

R.S.O. 1980, c. 31

Exception

(5) Notwithstanding subsection (4), where the assessor is of the opinion that an assessment to be shown on the assessment roll to be returned is inequitable with respect to the assessment of similar real property in the vicinity, the assessor may alter the value of the assessment to the extent necessary to make the assessment equitable with the assessment of such similar real property.

Status of assessment roll

(6) For the purpose of every Act, the assessment roll of a local municipality returned under subsection (4) shall be

deemed to be the assessment roll of the local municipality returned under the *Assessment Act*.

Mandatory return of updated roll every fourth year

(7) In every fourth year following the most recent direction under subsection (2), the Minister of Revenue shall make a direction under subsection (2) for changes to be made to the assessment roll of each local municipality.

Provisions of R.S.O. 1980, c. 31

(8) Except as provided in subsections (2) and (7), the *Assessment Act* and the alterations, corrections, additions and amendments authorized by that Act apply to an assessment roll returned under subsection (4).

Idem

(9) Where a direction has been made under subsection (2) in respect of the assessment roll of a local municipality for purposes of taxation in any year, subsections 63 (1) and (3) and sections 64 and 65 of the *Assessment Act* do not apply to that municipality or to the assessment roll of that local municipality in respect of that year and all subsequent years.

Powers on appeal

(10) The Assessment Review Board, the Ontario Municipal Board or any court, in determining the value at which any real property shall be assessed in any complaint, appeal, proceeding or action, shall have reference to the value at which similar real property in the vicinity is assessed, and the amount of any assessment of real property shall not be altered unless the Assessment Review Board, Ontario Municipal Board or court is satisfied that the assessment is inequitable with respect to the assessment of similar real property in the vicinity, and in that event the assessment of the real property shall not be altered to any greater extent than is necessary to make the assessment equitable with the assessment of such similar real property.

Where property described in class prescribed under subs. (2)

(11) Notwithstanding that a complaint, appeal, proceeding or action concerns an assessment made for taxation in a year prior to the year for which classes of real property were prescribed for the county under subsection (2), for the purpose of determining the value at which any real property shall be assessed in any complaint, appeal, proceeding or action, real property described in a class prescribed under subsection (2) for the county is not similar to real property described in another class prescribed under subsection (2) for the county, and the inclusion of real property within a class so prescribed does not indicate that the real property is similar to other real property in that class.

No amendment to collector's roll

(12) No amendment shall be made to the assessment or a collector's roll under clause 33 (a) of the *Assessment Act* until the cumulative value of the increase since the date of the most

recent change to the assessment roll under a direction of the Minister of Revenue under subsection (2) is at least in the sum of $5,000 at market value or, if the assessment in the county is at less than market value, at an equivalent rate.

Table of rates for pipe lines R.S.O. 1980, c. 31

(13) For purposes of subsection 24 (16a) of the *Assessment Act*, changes made in the assessment roll of a local municipality under a direction of the Minister of Revenue under subsection (2) shall be deemed to be an assessment update of all property within that local municipality under subsection 63 (3) of the *Assessment Act*.

Rights of appeal preserved

(14) Nothing in section 368d, 368e or 368f in any way deprives any person of any right of appeal provided for in the *Assessment Act* or affects the operation of subsection 36 (6) of that Act.

Regulations may be retroactive

(15) A regulation made under subsection (2) may be made retroactive to the 1st day of December of the year preceding the year in which it was made.

Different assessment generally throughout the county

368c.—(1) Sections 368d to 368l apply only if a different assessment of lands in each local municipality in the county has been instituted pursuant to a direction of the Minister of Revenue under subsection 368b (2).

Adjustment of levies R.S.O. 1980, c. 129

(2) Notwithstanding subsection 164 (2) of this Act or subsection 216 (2) of the *Education Act*, where the amount levied by a local municipality for county purposes or school purposes in the year prior to the year for which a change in assessment is made pursuant to a direction of the Minister of Revenue under subsection 368b (2), differs from the sum the local municipality ought to have levied for county purposes or school purposes, the local municipality shall debit or credit such deficit or surplus, as applicable, to the general funds of the municipality and not revise the rates to be levied for such body in the next succeeding year.

Determination of school rates

368d.—(1) In each year, each public school board and separate school board having jurisdiction in part or all of the county shall determine the rates to be levied by the applicable local municipalities in the county to provide the sums required for elementary and secondary school purposes, as the case may be, in that year and shall specify the amount that is to be provided in that year by the application of those rates within each such local municipality in the county.

Idem

(2) The determinations required by subsection (1) shall be made in accordance with subsection 222 (1) of the *Education Act*.

Direction to local municipality

(3) On or before the 1st day of March in each year, the school boards mentioned in subsection (1) shall direct the council of each applicable local municipality in the county to levy the rates determined by the board under subsection (1) and shall advise the local municipality of the amounts of money to be raised by levying those rates in the local municipality.

Local municipality to levy and collect

(4) In each year, the council of a local municipality shall levy rates in accordance with the directions under subsection (3) upon all property in the local municipality rateable for public school board or separate school board purposes, as may be appropriate.

Full value to be used

(5) The full value of all applicable rateable property shall be used in determining,

(a) the weighted assessment for each local municipality for purposes of apportioning among the applicable local municipalities within the county the sums required for school purposes by each public school board and separate school board;

(b) the rates mentioned in subsection (1); and

(c) the assessment upon which the rates are to be levied under sections 128, 133 and 215 of the *Education Act*,

R.S.O. 1980, c. 129

and, notwithstanding any other Act, but subject to section 22 of the *Assessment Act*, no fixed assessment applies thereto.

R.S.O. 1980, c. 31

Definitions in R.S.O. 1980, c. 129, s. 220

(6) For the purposes of determining and levying rates under this section, a reference in the *Education Act* to "commercial assessment" or "residential and farm assessment" shall be deemed to be a reference to such assessments as defined in section 368a of this Act and not as defined in section 220 of that Act.

Non-application of R.S.O. 1980, c. 129, s. 219 (2)

(7) Subsection 219 (2) of the *Education Act* does not apply to the determination of rates under subsection (1).

Application of R.S.O. 1980, c. 129

(8) Except as provided in this section, the *Education Act* continues to apply to the levying of rates and collecting of taxes for each public school board and separate school board having jurisdiction in all or part of the county.

Definitions

368e.—(1) In this section,

"general county levy" means the amount required to be raised in any year for general county purposes including the sums required for any board, commission or other body, but excluding those amounts required for school purposes;

"special county levy" means an amount required to be raised by two or more lower tier municipalities in any year for county road or county library purposes where such amount was not included in the determination of the general county levy.

General county rating by-law

(2) For purposes of raising the general county levy, the council of the county shall, in each year, on or before the 31st day of March, by by-law direct the council of each lower tier municipality in the county to levy a separate rate, as specified in the by-law, on the residential and farm assessment in the lower tier municipality rateable for county purposes and on the commercial assessment in the lower tier municipality rateable for county purposes.

Special county rating by-law

(3) For purposes of raising a special county levy, the council of the county shall, in each year, on or before the 31st day of March, by by-law direct the council of each applicable lower tier municipality, to levy a separate rate, as specified in the by-law, on the residential and farm assessment in the lower tier municipality rateable for county purposes and on the commercial assessment in the lower tier municipality rateable for county purposes.

Determination of commercial rates

(4) The rate to be levied in each year, on commercial assessment for each separate levy specified in subsections (2) and (3), shall be determined by multiplying the sum required for each such levy by 1,000 and dividing the product,

(a) by the weighted assessment for all lower tier municipalities in the county, in the case of the general county levy; and

(b) by the weighted assessment of those lower tier municipalities that is rateable for the purpose of raising the special county levy, in the case of a special county levy.

Determination of residential rate

(5) The rate that the council of the county shall direct to be levied on the residential and farm assessment under subsections (2) and (3) shall be 85 per cent of the rate to be levied on commercial assessment in accordance with subsection (4).

Lower tier municipality to adopt rates

(6) In each year, the council of each lower tier municipality in the county shall levy, in accordance with the rating by-laws

passed by the county for that year, the rates specified in the by-law.

Tax exempt real property

(7) The assessment for real property that is exempt from taxation for county purposes by virtue of any Act or by virtue of a by-law passed by the council of a lower tier municipality under any Act shall not be included when determining weighted assessment for the purposes of subsection (4).

Full value to be used

(8) The full value of all rateable property shall be used in determining,

(a) rates under subsections (4) and (5); and

(b) the assessment on which a levy shall be made under subsection (6),

and, notwithstanding any other Act, but subject to section 22 of the *Assessment Act*, no fixed assessment applies thereto.

R.S.O. 1980, c. 31

Instalment payments

(9) A by-law passed under subsection (2) or (3) shall specify the amount to be raised in a lower tier municipality as a result of a levy being made in that lower tier municipality in accordance with the by-law and the by-law shall provide that the amount to be raised by each lower tier municipality shall be paid to the county in the following instalments:

1. 25 per cent of the amount required for county purposes in the prior year, on or before the 31st day of March,

2. 50 per cent of the amount required for county purposes in the current year, less the amount of the instalment paid under paragraph 1, on or before the 30th day of June,

3. 25 per cent of such current amount, on or before the 30th day of September,

4. the balance of the entitlement for the year, on or before the 15th day of December,

and the by-law may provide that the county shall pay interest at a rate to be determined by the council of the county on any payment required, or portion thereof, made in advance by any lower tier municipality.

Idem

(10) Notwithstanding subsection (9), the council of a county may, by agreement with a majority of the lower tier municipalities in the counties representing at least two-thirds

of the weighted assessment of all the lower tier municipalities in the county, provide by by-law for any number of instalments and due dates thereof other than those provided in subsection (9) and those alternative instalments and due dates shall be applicable to all the lower tier municipalities in the county.

Payment

(11) The amount specified to be raised in a lower tier municipality pursuant to a rating by-law under subsection (2) or (3) shall be deemed to be taxes and is a debt of the lower tier municipality to the county and the treasurer of the lower tier municipality shall pay the amount owing by the lower tier municipality to the treasurer of the county on or before the dates and in the portions specified in the rating by-law.

Default

(12) If a lower tier municipality fails to make any payment, or portion thereof, as provided in a rating by-law passed under subsection (2) or (3), the lower tier municipality shall pay to the county interest on the amount in default at the rate of 15 per cent per annum, or such lower rate as the council of the county may by by-law determine, from the date payment is due until it is made.

Extension of time

(13) The Minister by order may extend the time for passing a rating by-law in any year and such an order may be made notwithstanding that the time limits set out in subsection (2) or (3) have expired.

Alternative basis of apportionment R.S.O. 1980, c. 359

(14) Notwithstanding subsections (4) and (5), the Lieutenant Governor in Council may, in a regulation made under section 9a of the *Ontario Unconditional Grants Act*, prescribe an alternative basis on which apportionments are to be made and may prescribe the manner of determining the mill rates to be specified and determined under subsections (2) and (3).

Deeming provision

(15) A basis of apportionment prescribed by the Lieutenant Governor in Council under subsection (14) shall be deemed to have been prescribed under subsection 9a (1) of the *Ontario Unconditional Grants Act* as an alternative to the basis of apportionment that would have been prescribed for the county under subsection 9a (1) if the county had not been subject to an assessment update under subsection 368b (2).

Definitions

368f.—(1) In this section,

"local municipality levy" means the amount required for local municipality purposes under section 164 including the sums required for any board, commission or other body, but excluding those amounts required to be raised for county and school purposes;

"special local municipality levy" means an amount to be raised by a local municipality that is not included in the local municipality levy, but excluding those amounts required to be raised for county and school purposes.

Local municipality levies

(2) The council of each local municipality in a county shall, in each year in accordance with subsections (3) and (4), levy separate rates on the whole of the rateable commercial assessment and on the whole of the rateable residential and farm assessment in respect of the local municipality levy and the special local municipality levy.

Determination of commercial mill rates

(3) The rates to be levied in each year, on commercial assessment for each separate levy specified in subsection (2), shall be determined by multiplying the sum required for each levy by 1,000 and dividing the product,

(a) by the weighted assessment for the local municipality, in the case of a local municipality levy; and

(b) by the weighted assessment that is rateable for the purpose of raising the special local municipality levy, in the case of a special local municipality levy.

Determination of residential mill rates

(4) The rates to be levied in each year, on residential and farm assessment for each separate levy specified in subsection (2), shall be 85 per cent of the rate to be levied on commercial assessment in accordance with subsection (3).

Non-application of R.S.O. 1980, c. 359, s. 7

(5) Section 158 of this Act and section 7 of the *Ontario Unconditional Grants Act* do not apply to a local municipality to which this section applies.

Local municipality levy

(6) A reference in any other section of this Act or in any other Act to a levy by a local municipality under section 158 of this Act or section 7 of the *Ontario Unconditional Grants Act* shall, with respect to a local municipality to which this section applies, be deemed to be a reference to a levy under this section or under section 368e, as the case may be.

Tax exempt real property

(7) The assessment for real property that is exempt from taxation for local municipality purposes by virtue of any Act or by virtue of a by-law passed by the council of a local municipality under any Act shall not be included when determining the weighted assessment for purposes of clause (3) (a) or (b).

Interim financing, local municipalities

368g.—(1) The council of a local municipality in a county may for any year, before the adoption of the estimates for the year, levy such rates as it may determine on the rateable com-

mercial assessment and on the rateable residential and farm assessment in the local municipality.

By-law in December of preceding year

(2) A by-law for levying rates under subsection (1) shall be passed in the year that the rates are to be levied or may be passed in December of the preceding year if it provides that it does not come into force until a specified day in the following year.

Determination of rate

(3) The rate that may be levied on any assessment under subsection (1) shall not exceed 50 per cent of the total of the rates that were levied or would have been levied on that assessment for all purposes in the preceding year.

Assessment roll

(4) If the assessment roll for taxation in the current year has not been returned, the rate levied under subsection (1) may be levied on the assessment according to the assessment roll used for taxation purposes in the preceding year.

Interim levy deducted from final levy

(5) The amount of any levy made on an assessment under subsection (1) shall be deducted from the total amount levied on the assessment for that year under sections 368d, 368f and, if applicable, 368e.

Interim levy in excess of final levy

(6) Where the taxes levied on an assessment for real property or on a business assessment under this section exceed the taxes to be levied on that assessment for the year under sections 368d, 368e and 368f, the treasurer of the local municipality shall, not later than twenty-one days following the giving of a notice of demand of taxes payable, refund to the person assessed that portion of the taxes paid in excess of the amount payable for the year pursuant to a levy made under sections 368d, 368e and 368f.

Application provisions re: levy and collection of taxes

(7) The provisions of this Act with respect to the levy of the yearly rates and the collection of taxes apply with necessary modifications to the levy of rates and collection of taxes under this section.

Power of Minister

368h. Where a direction has been made under subsection 368b (2) that a new assessment roll be returned for taxation in the current year, the Minister may by order prescribe the maximum rates that may be levied in the current year by the council of each local municipality under subsection 368g (1).

Definitions

368i.—(1) In this section,

"payment in lieu of taxes" means an amount that a local municipality is eligible to receive under,

R.S.O. 1980, c. 31

(a) subsection 26 (3), (4) or (5) of the *Assessment Act*,

R.S.O. 1980, c. 209

(b) subsection 7 (6) of the *Housing Development Act*, but not including that portion payable to a school board in accordance with subsection 7 (10) of that Act,

(c) section 160 and subsection 160a (3) of this Act,

R.S.O. 1980, c. 311

(d) subsection 4 (1), (2) or (3) of the *Municipal Tax Assistance Act*,

R.S.O. 1980, c. 361

(e) section 42 of the *Ontario Water Resources Act*,

R.S.O. 1980, c. 384

(f) subsection 46 (2), (3), (4) or (5) of the *Power Corporation Act*, but not including that portion payable to a school board in accordance with subsection 46 (9) of that Act,

R.S.O. 1980, c. 510

(g) section 10 or 11 of the *Trees Act*,

1980-81-82-83, c. 37 (Can.)

(h) the *Municipal Grants Act, 1980* (Canada), or

(i) any Act of Ontario or of Canada or any agreement where the payment is from any government or government agency and is in lieu of taxes on real property or business assessment, but not including a payment referred to in section 498;

"taxes for county purposes" means the amount to be raised by a lower tier municipality for county purposes as specified in rating by-laws passed under subsections 368e (2) and (3), excluding any adjustments under section 32 or 33 of the *Assessment Act*;

R.S.O. 1980, c. 31

"taxes for local purposes" means the taxes levied by a lower tier municipality for local purposes under subsection 368f (2), excluding any adjustments under section 32 or 33 of the *Assessment Act*;

"total taxes for all purposes" means the sum of the amounts levied by a lower tier municipality under sections 368d, 368e and 368f, excluding any adjustments under section 32 or 33 of the *Assessment Act*.

Lower tier municipality to share payment in lieu of taxes

(2) Where a lower tier municipality in a county is eligible to receive a payment in lieu of taxes for any year, it shall pay to the treasurer of the county a portion equal to the amount obtained by multiplying the amount that the lower tier municipality is eligible to receive by the quotient, correct to five

decimal places, obtained by dividing the taxes for county purposes for the year by the total of,

(a) the taxes for local purposes for the year; and

(b) the taxes for county purposes for the year.

Sharing of certain payments

(3) Notwithstanding subsection (2), if a lower tier municipality is eligible to receive a payment in lieu of taxes for any year under,

(a) subsection 26 (3), (4) or (5) of the *Assessment Act*; R.S.O. 1980, c. 31

(b) section 42 of the *Ontario Water Resources Act*; R.S.O. 1980, c. 361

(c) subsection 46 (2), (3), (4) or (5) of the *Power Corporation Act*, but not including the portion payable to a school board in accordance with subsection 46 (9) of that Act; R.S.O. 1980, c. 384

(d) section 10 or 11 of the *Trees Act*; or R.S.O. 1980, c. 510

(e) the *Municipal Grants Act, 1980* (Canada), 1980-81-82-83, c. 37 (Can.)

and the calculation of the payment is based in part on the rates that were levied for school purposes, then the portion to be paid under subsection (2) shall be calculated by multiplying the amount that the lower tier municipality is eligible to receive by the quotient, correct to five decimal places, obtained by dividing the taxes for county purposes for the year by the total taxes for all purposes for the year.

Treasurer to provide estimate of share

(4) The treasurer of each lower tier municipality shall, on or before the 1st day of March in each year, send a statement to the treasurer of the county and each school board showing an estimate of the amount that the lower tier municipality will be required to pay to the county for the year under subsection (2) and to each school board under subsection 7 (10) of the *Housing Development Act* and under subsection 46 (9) of the *Power Corporation Act*. R.S.O. 1980, c. 209

Allocation of payments in lieu of taxes

(5) Where a local municipality is required to pay a portion of a payment in lieu of taxes to the county under subsection (2), or to a school board, the provisions of,

(a) subsections 26 (7) and (9) of the *Assessment Act*;

(b) subsection 7 (10) of the *Housing Development Act*;

(c) subsections 160 (12) and (16) and subsection 160a (4) of this Act; and

R.S.O. 1980, c. 384

(d) subsection 46 (7) of the *Power Corporation Act*,

with respect to the equalization of assessment or allocation and deposit of payments shall not apply to that entitlement.

Payment of portion of telephone and telegraph tax

368j.—(1) Each lower tier municipality in a county shall pay a portion of the tax levied by it under subsections 161 (12) and (13) to the county and appropriate public school boards in the proportion that the taxes levied by it on commercial assessment in the year for each such body bears to the total taxes levied by it in the year on commercial assessment for all purposes, other than separate school board purposes.

Idem

(2) Each city, separated town and separated township shall pay a portion of the tax levied by it under subsections 161 (12) and (13) to the appropriate public school boards in the proportion that the taxes levied by it on commercial assessment in the year for each public school board bears to the total taxes levied by it in the year on commercial assessment for all purposes, other than separate school board purposes.

Exclusion of taxes added to collector's roll

R.S.O. 1980, c. 31

(3) In determining the taxes levied on commercial assessment for the purposes of subsection (1) or (2), there shall be excluded any adjustments under section 32 or 33 of the *Assessment Act*.

Statement by treasurer

(4) The treasurer of each local municipality shall, on or before the 1st day of March in each year, send a statement to the treasurer of the county and the appropriate public school boards showing an estimate of the amount which the local municipality will be required to pay to that body for the year under subsection (1) or (2).

Non-application

(5) Subsections 161 (18) to (24) do not apply to a local municipality to which this section applies.

Payment of payments in lieu and telephone and telegraph levies

368k.—(1) An amount payable by a local municipality to,

(a) the county under subsection 368i (2) or 368j (1);

(b) a public school board under subsection 368j (1) or (2); or

R.S.O. 1980, cc. 209, 384

(c) a school board under subsection 7 (10) of the *Housing Development Act* or under subsection 46 (9) of the *Power Corporation Act*,

is a debt of the local municipality to the county or school board, as the case may be, and, subject to subsections (2) and (3), instalments are payable in each year on account thereof as follows:

1. A first instalment equal to 25 per cent of the amount payable for the same purposes in the preceding year, on or before the 31st day of March.

2. A second instalment of 25 per cent of the amount payable for the same purposes in the preceding year, on or before the 30th day of June.

3. A third instalment of 25 per cent of the amount payable for the same purposes in the preceding year, on or before the 30th day of September.

4. A fourth instalment of the balance of the entitlement for the year, on or before the 15th day of December.

Alternative payment schedule

(2) The council of the county may, by agreement each year with a majority of the lower tier municipalities within the county that represent at least two-thirds of the total weighted assessment for all of the lower tier municipalities within the county, provide by by-law for an alternative number of instalments and due dates thereof other than those provided in subsection (1) which shall be applicable to all the lower tier municipalities in the county.

Idem

(3) Where a school board has jurisdiction within a county in which an assessment update has occurred under subsection 368b (2) and an agreement exists for one or more municipalities in accordance with subsection 215 (3) of the *Education Act*, the number of instalments and due dates specified in that agreement shall apply with necessary modifications to those amounts otherwise payable to the school board under subsection (1).

R.S.O. 1980, c. 129

General revenues

(4) An amount payable by a local municipality under subsection 368i (2), subsection 368j (1) or (2), or under subsection 7 (10) of the *Housing Development Act*, or under subsection 46 (9) of the *Power Corporation Act* shall be credited by the county or school board to its general revenues.

R.S.O. 1980, cc. 209, 384

Default

(5) If a local municipality fails to make any payment as provided under subsection (1) or as altered under subsection (2) or (3), the local municipality shall pay to the county or school board, as applicable, interest on the amount past due at the rate of 15 per cent per annum, or at such lower rate as the

school board or county may by by-law determine from time to time.

Overpayment

(6) Where the total amount paid for the year under subsection (1), (2) or (3) exceeds the total amount payable for that purpose in the year, the local municipality shall notify the county or the school board, as the case may be, of the amount of the overpayment and the county or school board shall forthwith pay that amount to the local municipality.

Treasurer's statement

(7) On or before the 31st day of December in each year, the treasurer of each local municipality shall deliver to the bodies entitled to a payment under subsection (1), (2) or (3) a statement sufficient to enable the body to determine the correctness of the amount payable in the year.

Transition

(8) Notwithstanding subsection (1), in the first year where an assessment update under subsection 368b (2) is instituted as a result of a request under subsection 368b (3), the instalments payable under paragraphs 1, 2 and 3 of subsection (1) shall each be equal to 25 per cent of the amounts estimated under subsections 368i (4) and 368j (4).

Conservation authority apportionments

368l.—(1) Where changes are made in the assessment rolls of local municipalities under a direction of the Minister of Revenue under subsection 368b (2) and the changes directly affect the relative cost sharing of conservation authority responsibilities for any municipality beyond the county or cause within the county substantial tax shifts between municipalities, property classes or individual properties, the Lieutenant Governor in Council may, in order to minimize such effects, make regulations prescribing an alternative basis of apportionment to that specified under the *Conservation Authorities Act*.

R.S.O. 1980, c. 85

Regulation may be retroactive

(2) A regulation made under subsection (1) may be made retroactive to a date not earlier than the 1st day of January of the year in which it is made.

3.—(1) Subsection 130 (10) of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1986, chapter 19, section 2, is repealed and the following substituted therefor:

Non-application

(10) This section does not apply to The Haldimand-Norfolk Roman Catholic Separate School Board, The Sudbury District Roman Catholic Separate School Board or to a separate school board having jurisdiction wholly or partly in a county where an assessment update has been carried out under subsection 368b (2) of the *Municipal Act*.

R.S.O. 1980, c. 302

(2) Subsection 214 (6) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 19, section 2, is repealed and the following substituted therefor:

(6) Subsections (3) and (5) do not apply to an area municipality in The Regional Municipality of Haldimand-Norfolk, The Regional Municipality of Sudbury or to a local municipality in a county where an assessment update has been carried out under subsection 368b (2) of the *Municipal Act*. Non-application R.S.O. 1980, c. 302

(3) The said Act is amended by adding thereto the following section:

214b.—(1) The Lieutenant Governor in Council may make regulations providing for the apportionment of the sums required by a separate school board to which this section applies among the local municipalities or parts thereof that are situate wholly or partly within its area of jurisdiction. Regulations for separate school board apportionment

(2) This section applies to those separate school boards having jurisdiction wholly or partly within and partly outside, Application of section

(a) a county where an assessment update has been carried out under subsection 368b (2) of the *Municipal Act*; and R.S.O. 1980, c. 302

(b) The Regional Municipality of Haldimand-Norfolk.

(3) In any year in which a regulation made under subsection (1) is in force, the sums mentioned in that subsection shall be apportioned among the local municipalities or parts thereof in accordance with the regulation. Application of regulation

(4) Where, in making the apportionment in accordance with a regulation made under this section, estimated data are used, an overpayment or underpayment by a local municipality or part thereof determined on the basis of actual data, shall be adjusted in the levy for the following year but this subsection does not apply to a local municipality situate in a county where an assessment update has been carried out under subsection 368b (2) of the *Municipal Act* or to an area municipality in The Regional Municipality of Haldimand-Norfolk. Where estimated data used

(4) Subsection 222 (4) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 19, section 2, is repealed and the following substituted therefor:

(4) Subsection (2) does not apply to an area municipality in The Regional Municipality of Haldimand-Norfolk, The Non-application

Regional Municipality of Sudbury or a local municipality in a county where an assessment update has been carried out under subsection 368b (2) of the *Municipal Act*.

R.S.O. 1980, c. 302

(5) Section 225 of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 19, section 2, is repealed and the following substituted therefor:

Conflict

225. In the event of a conflict between any provision in sections 220 to 224 and any provision in any other Act, other than the *Regional Municipality of Haldimand-Norfolk Act*, the *Regional Municipality of Sudbury Act* and section 368d of the *Municipal Act*, the provisions in sections 220 to 224 prevail.

R.S.O. 1980, cc. 435, 441, 302

Transition

4. Nothing in this Act affects the validity of an interim levy made in the year 1987 under section 159 of the *Municipal Act* prior to the coming into force of this Act by a local municipality in a county where an assessment update has been carried out under subsection 368b (2) in the year 1987 and subsections 368g (4), (5) and (6) of that Act, as enacted by this Act, apply with necessary modifications to any such interim levy.

R.S.O. 1980, c. 302

Commencement

5. This Act shall be deemed to have come into force on the 1st day of January, 1987.

Short title

6. The short title of this Act is the *Municipal Statute Law Amendment Act, 1987*.

CHAPTER 18

An Act to amend the Health Protection and Promotion Act, 1983

Assented to May 21st, 1987

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 31 of the *Health Protection and Promotion Act, 1983*, being chapter 10, is amended by adding thereto the following subsection:

(2) Every medical officer of health shall report to the Ministry within seven days after receiving a report concerning a reportable event under section 37a that occurs in the health unit served by the medical officer of health. Reports by M.O.H. re events

2. The said Act is amended by adding thereto the following section:

37a.—(1) In this section, Definitions

"immunizing agent" means a vaccine or combination of vaccines administered for immunization against diphtheria, tetanus, poliomyelitis, pertussis, measles, rubella, hepatitis B, rabies, Haemophilus influenzae b infections, influenza or a prescribed disease;

"reportable event" means,

(a) persistent crying or screaming, anaphylaxis or anaphylactic shock occurring within forty-eight hours after the administration of an immunizing agent,

(b) shock-like collapse, high fever or convulsions occurring within three days after the administration of an immunizing agent,

(c) arthritis occurring within forty-two days after the administration of an immunizing agent,

(d) generalized urticaria, residual seizure disorder, encephalopathy, encephalitis or any other significant occurrence occurring within fifteen days after the administration of an immunizing agent, or

(e) death occurring at any time and following upon a symptom described in clause (a), (b), (c) or (d).

Duty to inform patients

(2) A physician or other person authorized to administer an immunizing agent shall, before administering it to a patient, inform the patient, or where the patient is not competent to consent, the person authorized to consent on the patient's behalf, of benefits or possible adverse reactions to it and of the importance of reporting to a physician forthwith any reaction that might be a reportable event.

Duty to report reactions
R.S.O. 1980, c. 196

(3) A physician or person registered under Part IV (nursing) or VI (pharmacy) of the *Health Disciplines Act* who, while providing professional services to a person, recognizes the presence of a reportable event and forms the opinion that it may be related to the administration of an immunizing agent shall, within seven days after recognizing the reportable event, report thereon to the medical officer of health of the health unit where the professional services are provided.

Idem

(4) A medical officer of health who receives a report under subsection (3) concerning a person who resides in another health unit shall transmit the report to the medical officer of health serving the health unit in which the person resides.

3. Subsection 38 (1) of the said Act is amended by striking out "or a virulent disease" in the fifth line and inserting in lieu thereof "a virulent disease or a reportable event following the administration of an immunizing agent".

4. Subsection 99 (2) of the said Act is amended by striking out "or" in the second line and by inserting after "disease" in the third line "or a reportable event following the administration of an immunizing agent".

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. The short title of this Act is the *Health Protection and Promotion Amendment Act, 1987*.

CHAPTER 19

An Act to amend the Teachers' Superannuation Act, 1983

Assented to May 27th, 1987

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of the *Teachers' Superannuation Act, 1983*, being chapter 84, is amended by adding thereto the following subsection:

(1a) Every person who ceases to be employed in education after the 31st day of May, 1987 and before the 1st day of September, 1990 and who has at least thirty-five years of credit in the Fund is entitled to an annual superannuation allowance during the person's lifetime. Allowance after 35 years of credit

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Teachers' Superannuation Amendment Act, 1987*. Short title

CHAPTER 20

An Act to amend the Nursing Homes Act

Assented to May 27th, 1987

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of the *Nursing Homes Act*, being chapter 320 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1984, chapter 55, section 223, is further amended by adding thereto the following clauses:

(ba) "equity share" means a share of a class of shares of a corporation that carries a voting right either under all circumstances or under some circumstances that have occurred and are continuing;

. . . . .

(j) "security interest" means an agreement between a person and a licensee that secures the licensee's payment or performance of an obligation by giving the person an interest in the licence.

(2) The said section 1 is further amended by adding thereto the following subsections:

Controlling interest

(2) A person shall be deemed to have a controlling interest in a corporation if the person alone or with an associate directly or indirectly beneficially owns or controls,

(a) issued and outstanding equity shares in the corporation in an amount to permit the person to direct the management and policies of the corporation; or

(b) 10 per cent or more of the issued and outstanding equity shares in the corporation.

Associates

(3) One person shall be deemed to be an associate of another person if,

(a) one person is a corporation of which the other person is an officer or director;

(b) one person is a partnership of which the other person is a partner;

(c) one person is a corporation that is controlled directly or indirectly by the other person;

(d) both persons are corporations and one person is controlled directly or indirectly by the same individual or corporation that controls directly or indirectly the other person;

(e) both persons are members of a voting trust where the trust relates to shares of a corporation;

(f) one person is the father, mother, brother, sister, child or spouse of the other person or is another relative who has the same home as the other person; or

(g) both persons are associates within the meaning of clauses (a) to (f) of the same person.

Calculating shares

(4) In calculating the total number of equity shares of a corporation beneficially owned or controlled for the purposes of this Act, the total number shall be calculated as the total of all the shares actually owned or controlled, but each share that carries the right to more than one vote shall be calculated as having the number of shares equal to the total number of votes it carries.

2. The said Act is amended by adding thereto the following section:

Fundamental principle

1a.—(1) The fundamental principle to be applied in the interpretation of this Act and the regulations is that a nursing home is primarily the home of its residents and as such it is to be operated in such a way that the physical, psychological, social, cultural and spiritual needs of each of its residents are adequately met and that its residents are given the opportunity to contribute, in accordance with their ability, to the physical, psychological, social, cultural and spiritual needs of others.

Residents' bill of rights

(2) Every licensee shall ensure that the following rights of residents are fully respected and promoted:

1. Every resident has the right to be treated with courtesy and respect and in a way that fully recognizes the resident's dignity and individuality and to be free from mental and physical abuse.

2. Every resident has the right to be properly sheltered, fed, clothed, groomed and cared for in a manner consistent with his or her needs.

3. Every resident has the right to be told who is responsible for and who is providing the resident's direct care.

4. Every resident has the right to be afforded privacy in treatment and in caring for his or her personal needs.

5. Every resident has the right to keep in his or her room and display personal possessions, pictures and furnishings in keeping with safety requirements and other residents' rights.

6. Every resident has the right,

    i. to be informed of his or her medical condition, treatment and proposed course of treatment,

    ii. to give or refuse consent to treatment, including medication, in accordance with the law and to be informed of the consequences of giving or refusing consent,

    iii. to have the opportunity to participate fully in making any decision and obtaining an independent medical opinion concerning any aspect of his or her care, including any decision concerning his or her admission, discharge or transfer to or from a nursing home, and

    iv. to have his or her medical records kept confidential in accordance with the law.

7. Every resident has the right to receive reactivation and assistance towards independence consistent with his or her requirements.

8. Every resident who is being considered for restraints has the right to be fully informed about

the procedures and the consequences of receiving or refusing them.

9. Every resident has the right to communicate in confidence, to receive visitors of his or her choice and to consult in private with any person without interference.

10. Every resident whose death is likely to be imminent has the right to have members of the resident's family present twenty-four hours per day.

11. Every resident has the right to designate a person to receive information concerning any transfer or emergency hospitalization of the resident and where a person is so designated to have that person so informed forthwith.

12. Every resident has the right to exercise the rights of a citizen and to raise concerns or recommend changes in policies and services on behalf of himself or herself or others to the residents' council, nursing home staff, government officials or any other person inside or outside the nursing home, without fear of restraint, interference, coercion, discrimination or reprisal.

13. Every resident has the right to form friendships, to enjoy relationships and to participate in the residents' council.

14. Every resident has the right to meet privately with his or her spouse in a room that assures privacy and where both spouses are residents in the same nursing home, they have a right to share a room according to their wishes, if an appropriate room is available.

15. Every resident has a right to pursue social, cultural, religious and other interests, to develop his or her potential and to be given reasonable provisions by the nursing home to accommodate these pursuits.

16. Every resident has the right to be informed in writing of any law, rule or policy affecting the operation of the nursing home and of the procedures for initiating complaints.

17. Every resident has the right to manage his or her own financial affairs where the resident is able to do

so, and where the resident's financial affairs are managed by the nursing home, to receive a quarterly accounting of any transactions undertaken on his or her behalf and to be assured that the resident's property is managed solely on the resident's behalf.

18. Every resident has the right to live in a safe and clean environment.

19. Every resident has the right to be given access to protected areas outside the nursing home in order to enjoy outdoor activity, unless the physical setting makes this impossible.

Further guide to interpretation

(3) Without restricting the generality of subsection (1), this Act and the regulations are to be interpreted so as to advance the objective that the resident's rights set out in subsection (2) be respected.

Written contract

(4) There shall be a written contract relating to the admission of every resident to a nursing home.

Provisions to be included

(5) A contract entered into in accordance with subsection (4) or (8) shall include,

(a) a statement of the rights of the resident under subsection (2) and a statement by the licensee agreeing to respect and promote those rights;

(b) the information necessary to enable the resident to make a complaint regarding the nursing home to the Ministry;

(c) any agreement for additional services and the charges for those services; and

(d) the name and address of the person who will act, if necessary, as the representative of the resident for the purposes of this Act and the regulations.

Annual review

(6) A contract entered into in accordance with subsection (4), (8) or (9) shall be reviewed annually by the resident or the resident's representative and the licensee.

Posting of information

(7) Every licensee shall post a copy of subsections (1), (2), (4), (5) and (6) in a prominent place in the nursing home.

Transition

(8) Subject to subsection (9), every licensee shall, within ninety days after the coming into force of this Act, enter into

a written contract with every person who is a resident at that time and has not entered into a contract under subsection (4), relating to the services provided by the nursing home.

Idem

(9) Where either party described in subsection (8) refuses to enter into a written contract, the licensee shall note that refusal in the resident's records and a contract between the licensee and the resident shall be deemed to have been made containing the provisions enumerated in clauses (5) (a) and (b) and, with the concurrence of the resident, containing the provisions enumerated in clauses (5) (c) and (d).

3.—(1) Subsection 4 (1) of the said Act is amended by striking out "subsection (2)" in the first line and inserting in lieu thereof "the following subsections".

(2) Subsection 4 (2) of the said Act is amended by striking out "Notwithstanding subsection (1)" in the first line.

(3) Subsection 4 (3) of the said Act is amended by striking out "Notwithstanding subsection (1)" in the first line.

(4) Subclause 4 (4) (d) (ii) of the said Act is amended by striking out "or" and inserting in lieu thereof "and".

(5) Section 4 of the said Act is amended by adding thereto the following subsections:

Idem

(4a) In considering under subsection (2) whether it is in the public interest to grant a licence to establish, operate or maintain a nursing home in an area, the Minister shall also take into account,

(a) the effect that granting the licence would have on the concentration of ownership of nursing homes,

(i) in the area,

(ii) in the area and any other area, or

(iii) in Ontario; and

(b) the effect that granting the licence would have on the balance between non-profit and profit-oriented nursing homes,

(i) in the area,

(ii) in the area and any other area, or

(iii) in Ontario.

(4b) For the purpose of clause (4a) (b), the Minister shall announce, annually, in the Legislature the desired balance between non-profit and profit-oriented nursing homes. Idem

(6) Subsection 4 (5) of the said Act is repealed and the following substituted therefor:

(5) Subject to section 7, the Director may refuse to issue a licence where in the Director's opinion, Grounds for refusal

(a) the proposed nursing home or its operation would contravene this Act or the regulations or any other Act or regulation or any municipal by-law respecting its establishment or location;

(b) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors or the persons with a controlling interest in it affords reasonable grounds for belief that the home will not be operated in accordance with the law and with honesty and integrity;

(c) the applicant or, where the applicant is a corporation, its officers or directors or the persons with a controlling interest in it are not competent to operate a nursing home in a responsible manner in accordance with this Act and the regulations or are not in a position to furnish or provide the required services; or

(d) the past conduct of the applicant, or where the applicant is a corporation, of its officers, directors or the persons with a controlling interest in it affords reasonable grounds for belief that the home will be operated in a manner that is prejudicial to the health, safety or welfare of its residents.

(7) Subsection 4 (8) of the said Act is repealed.

4. The said Act is further amended by adding thereto the following sections:

4a.—(1) The Director may undertake to issue a licence to an applicant on condition that the applicant agrees to satisfy the conditions specified by the Director. Undertake to issue licence

Issue licence, if conditions met

(2) Where the Director determines that the applicant has complied with the specified conditions, the Director shall issue the licence.

Notice to cancel undertaking

(3) Where the Director determines that the applicant has not complied with the specified conditions, the Director by written notice to the applicant may propose to cancel the undertaking.

Request for review

(4) The applicant may submit to the Minister a written request for review asking that the Minister extend the undertaking and amend its conditions.

Minister's decision

(5) Where the Minister receives a request for review within fifteen days after delivery of the notice under subsection (3), the Minister may extend the undertaking and amend its conditions or may cancel the undertaking.

Undertaking cancelled

(6) Where the Minister does not receive a request for review within fifteen days after delivery of the notice under subsection (3), the undertaking shall be deemed to be cancelled.

Surrender and issue of licence

4b.—(1) Where a licensee notifies the Director that the licensee intends to surrender a licence to the Director on condition that the Director issue in its place a licence to a specified person, the specified person may apply for the issuance of the licence under this Act.

Idem

(2) Subsections 4 (1), (2) and (4a) and clauses 4 (5) (b), (c) and (d) apply with necessary modifications to an application for a licence under subsection (1).

Idem

(3) Upon receiving notice that the Director intends to approve an application under subsection (1), the licensee shall surrender the licence and the Director shall issue a licence to the applicant.

Share transfer R.S.O. 1980, c. 466

4c.—(1) Where a corporation that is a private company as defined in the *Securities Act* is a licensee, it shall not permit an issue or transfer of equity shares of its capital stock that has the effect of changing the ownership or controlling interest in the corporation without the prior approval of the Director.

Idem

(2) In deciding whether to approve an issue or a transfer of shares under subsection (1), the Director shall treat the corporation as proposed to be constituted after the transfer as if it were an applicant for a licence and subsections 4 (1), (2) and (4a) and clauses 4 (5) (b), (c) and (d) apply with necessary modifications.

Duty of corporation to notify Director

4d.—(1) Where a licensee is a corporation, the licensee shall notify the Director in writing within fifteen days of any change in the officers or directors of the corporation.

Idem

(2) Where a corporation has an interest in a licence, and the corporation or its officers or directors have reason to believe that an issue or transfer of equity shares of its capital stock or the happening of a condition by which shares of its capital stock acquire voting rights results or may result in a person acquiring a controlling interest in the corporation, the person shall so notify the Director forthwith.

Statement required

(3) The Director annually, in writing, shall direct a corporation that has an interest in a licence or its officers or directors to provide the names and addresses of all of the officers and directors of the corporation and a statement concerning the ownership or beneficial ownership of equity shares of capital stock in the corporation, which statement shall contain the information that in the opinion of the Director is reasonably necessary to enable the Director to determine,

(a) what persons, if any, have a controlling interest in the corporation; and

(b) what persons, if any, own or beneficially own directly or indirectly the persons or a controlling interest in the persons mentioned in clause (a).

Idem

(4) The Director may require the information described in subsection (3) to be provided more frequently than annually if, in the Director's opinion, it is reasonably necessary for the purposes set out in subsection (3).

Exercise of security interest

4e.—(1) A person who has a security interest in a licence shall not exercise that interest without the approval of the Director if exercise of the interest would change the ownership or controlling interest in the licence.

Matters to be considered

(2) In deciding whether to approve an exercise of a security interest under subsection (1), the Director shall treat the person seeking to exercise the interest as if the person were an applicant for a licence and subsections 4 (1), (2) and (4a) and clauses 4 (5) (b), (c) and (d) apply with necessary modifications.

Management contracts

4f.—(1) A licensee shall not enter into a contract whose effect is to change the management of a nursing home or the ownership or controlling interest in a licence without the approval of the Director.

Matters to be considered

(2) In deciding whether to approve a contract described in subsection (1), the Director shall treat the person who would take over the management of the nursing home or the ownership or controlling interest in the licence under the contract as if the person were an applicant for a licence and subsections 4 (1), (2) and (4a) and clauses 4 (5) (b), (c) and (d) apply with necessary modifications.

No decision without public submissions

4g.—(1) The Director shall not issue a licence, undertake to issue a licence under section 4a, reissue a licence under section 4b or approve an issue or transfer of shares under section 4c unless the public has been given notice of the request to do so and an opportunity to make written and oral submissions in accordance with this section.

Idem

(2) The Director shall not renew a licence unless the public has been given notice of the request to do so and an opportunity to make written submissions in accordance with this section.

Idem

(3) Without limiting the requirement on the Director to give the public an opportunity for oral submissions under subsection (1), the Director shall ensure that for each nursing home at least once in every five years the public is given notice of the request to carry out a matter described in subsection (1) or (2) and an opportunity to make oral submissions with respect to it in accordance with this section.

Public meeting

(4) Where the opportunity for oral submissions is required under subsection (1) or (3), the Director shall cause a public meeting to be held concerning the request before making a decision and that meeting shall be held in the area where the nursing home is located.

Idem

(5) Notwithstanding subsection (4), where the public meeting concerns an issue or transfer of shares under section 4c in respect of a licensee that owns or controls more than one nursing home and those nursing homes are located in different areas, the Director shall determine where the meeting shall be held.

Idem

(6) If the Director is not able to chair the public meeting, the Director shall designate a representative of the Ministry to do so, and that representative shall prepare and give the Director a written report of the proceedings.

Notice

(7) At least thirty days before a decision in relation to a matter described in subsection (1) or (2) is to be made, the Director shall cause a notice inviting submissions to be published in a newspaper having general circulation in the area

where the nursing home is located or intended to be located and the notice shall,

(a) contain an explanation of the request being made and the reasons for it;

(b) state that any person may make written submissions to the Director concerning the request; and

(c) state that the Director will consider any submissions before making a decision.

Idem

(8) Where the Director is required to hold a public meeting, the notice required by subsection (7) shall be published at least thirty days before the public meeting is held and shall also invite any person interested in making oral submissions to attend the meeting and express his or her opinions and recommendations concerning the request.

Idem

(9) Where the request concerns an existing nursing home, the Director shall give a copy of the notice described in subsection (5) to the licensee and the licensee shall cause it to be posted in a conspicuous place in the nursing home.

Submissions to be considered

(10) The Director shall consider any submissions received under this section before making a decision concerning a matter described in subsection (1) or (2).

5. Clauses 5 (d) and (e) of the said Act are repealed and the following substituted therefor:

(d) the conduct of the licensee or, where the licensee is a corporation, its officers or directors or the persons with a controlling interest in it affords reasonable grounds for belief that the home is not being or will not be operated in accordance with the law and with honesty and integrity;

(e) the conduct of the licensee or, where the licensee is a corporation, its officers or directors or the persons with a controlling interest in it affords reasonable grounds for belief that the licensee, officers, directors or persons are not competent to operate a nursing home in a responsible manner in accordance with this Act and the regulations or are not in a position to furnish or provide the required services;

(f) the conduct of the licensee or, where the licensee is a corporation, its officers or directors or the persons with a controlling interest in it affords reasonable

grounds for belief that the home is being operated or will be operated in a manner that is prejudicial to the health, safety or welfare of its residents;

(g) the licensee has ceased operating the nursing home for a period of at least six months and is not taking reasonable steps to prepare the nursing home to reopen;

(h) the licensee is a corporation described in subsection 4c (1) that has permitted an issue or transfer contrary to that subsection;

(i) a corporation or its officers or directors have failed to make a report or statement to the Director, contrary to section 4d;

(j) a person who has a security interest in a licence has exercised that interest contrary to subsection 4e (1) without the approval of the Director; or

(k) the licensee has entered into a contract described in subsection 4f (1) without the approval of the Director.

6. Section 7 of the said Act is amended by adding thereto the following subsections:

Idem

(2a) A licensee who requires a hearing shall provide proof with the notice requiring a hearing that the licensee has mailed or delivered to the residents' council and has posted in a prominent place in the nursing home a copy of the Director's notice with written reasons therefor and a copy of the notice requiring a hearing.

. . . . .

Opportunity to comply

(4a) Where the Board is required to hold a hearing, it shall proceed forthwith to hold the hearing unless the licensee satisfies the Board that the licensee has not been given a reasonable opportunity to comply with all the lawful requirements for the issue or retention of the licence, that it would be just and reasonable to give the licensee that opportunity and that delaying the hearing will not adversely affect the health, safety or welfare of the residents.

. . . . .

Exception for competition

(7) This section does not apply to an applicant seeking the issue or the undertaking for the issue of a licence where in the

Director's opinion another applicant better meets the Director's conditions for the issue of the licence.

7.—(1) Subsection 8 (1) of the said Act is repealed and the following substituted therefor:

Parties

(1) The following are parties before the Board under this Act,

(a) the Director;

(b) the applicant or the licensee who has required the hearing;

(c) any resident or group of residents who request party status;

(d) any employee or group of employees who request party status; and

(e) any other person the Board may specify.

(2) Subsection 8 (2) of the said Act is repealed and the following substituted therefor:

Submissions

(2) The Board may permit any person who is not a party before it, including a resident, a representative of a resident, an employee of a nursing home or any other person who may be affected by its decision, to make written or oral submissions to the Board, and where it does so those submissions may be made either personally or through an agent.

(3) Subsection 8 (3) of the said Act is amended by striking out "An applicant or licensee who is" in the first line and by inserting after "subsection (1)" in the second line "and a person who is permitted to make submissions to the Board under subsection (2)".

(4) Subsection 8 (7) of the said Act is amended by striking out "and heard the evidence and argument of the parties" in the third and fourth lines and inserting in lieu thereof "heard the evidence and argument of the parties and read or heard any written or oral submissions made under subsection (2)".

8. Section 11 of the said Act is repealed.

9.—(1) Subsection 12 (1) of the said Act is amended by striking out "legal representatives where the residents are unable so to do" in the fourth and fifth lines and inserting in lieu thereof "representatives".

(2) Subsection 12 (3) of the said Act is amended by inserting after "revoked" in the first line "and the revocation becomes final or where the nursing home is otherwise being operated without a licence".

10.—(1) Subsection 13 (2) of the said Act is repealed and the following substituted therefor:

Relief in special cases

(2) Where, in the opinion of the Director, special circumstances warrant reducing or increasing the facilities, services for residents or bed capacity required in an extended care unit under subsection (1), the Director may, by order, authorize the reducing or increasing of the said facilities, services for residents or bed capacity to such amount, for such times and under such conditions as are specified in the order.

(2) Section 13 of the said Act is amended by adding thereto the following subsections:

Agreement for extra services

(3) The Minister may enter into an agreement with a licensee for the provision of services in addition to those provided for under this Act and the regulations.

Notice of services

(4) Upon entering into an agreement with the Minister under subsection (3), the licensee shall give a written notice to the residents' council and to each resident or his or her representative of the additional services to be provided.

11.—(1) Section 14 of the said Act is amended by striking out "or" at the end of clause (b) and by adding thereto the following clauses:

(d) for services entered into under an agreement described in subsection 13 (3), the amount provided for by the agreement;

(e) for services not mentioned in clauses (a) through (c) that are designated by the regulations, the amount prescribed by the regulations; or

(f) for services not mentioned in clauses (a) through (e), the amount provided for under written agreements for those services between the licensee and the individual residents.

(2) The said section 14 is further amended by adding thereto the following subsections:

Idem

(2) The Director may permit a licensee to charge a specific amount greater than the amount prescribed by the regulations

for a service described in clause (1) (e) where the licensee demonstrates to the Director that the actual cost of providing the service is greater than the amount prescribed by the regulations.

Quarterly statements

(3) The licensee shall provide each resident or representative of the resident with an itemized quarterly statement of moneys held by the nursing home on behalf of the resident and charges made to the resident for services not mentioned in clauses (1) (a) through (c).

12. Section 15 of the said Act is repealed and the following substituted therefor:

Recovery of excess payment

15.—(1) Where any payment referred to in clause 14 (1) (a) or (d) is accepted by or on behalf of a licensee and the payment exceeds the amount permitted under section 14 or the service has not been rendered or has been inadequately rendered, the Minister may,

(a) withhold payments due to the licensee to recover the excess payment or the amount for which no service or inadequate service was rendered; or

(b) bring an action to recover from the licensee that amount, with costs, by action in a court of competent jurisdiction.

Idem

(2) Where any payment referred to in clause 14 (1) (b), (c), (e) or (f) is accepted by or on behalf of a licensee and the payment exceeds the amount permitted under section 14, the service has not been rendered or has been inadequately rendered or in the case of a service described in clause 14 (1) (f) there was no written agreement, the Minister may,

(a) order the licensee to pay back to the person from whom it was accepted the excess payment or the amount for which no service or inadequate service was rendered; or

(b) withhold payments due to the licensee for the purpose of recovering the excess payment or the amount for which no service or inadequate service was rendered and pay the amount recovered to the person from whom it was accepted by or on behalf of the licensee.

13.—(1) Subsection 17 (1) of the said Act is repealed and the following substituted therefor:

Inspection

(1) An inspector without a warrant at any time may enter upon the premises, including the business premises, of a nursing home to make an inspection to ensure that the provisions of this Act and the regulations are being complied with.

(2) Subsection 17 (2) of the said Act is amended by striking out "may at any reasonable time" in the fourth line and inserting in lieu thereof "without a warrant at any reasonable time may".

(3) Section 17 of the said Act is amended by adding thereto the following subsection:

Warrant

(2a) No inspector shall enter any room or place that is not in a nursing home and that is actually being used as a dwelling without the consent of the occupier except under the authority of a search warrant issued under section 142 of the *Provincial Offences Act*.

R.S.O. 1980, c. 400

(4) Subsection 17 (3) of the said Act is repealed and the following substituted therefor:

Powers on inspection

(3) Upon an inspection under this section, the inspector,

(a) is entitled at any reasonable time to free access to all books of account, documents, bank accounts, vouchers, correspondence and records, including payroll records, records of staff hours worked, medical and drug records and any other records that are relevant for the purposes of the inspection or required to be kept under this Act or the regulations;

(b) upon giving a receipt therefor and showing the certificate of appointment issued by the Minister, may remove any material referred to in clause (a) that relates to the purpose of the inspection in order to make a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person whose premises are being inspected;

(c) may inspect the premises and operations;

(d) may examine or test samples of substances to ensure that the regulations are being complied with; and

(e) upon giving a receipt therefor and showing the certificate of appointment issued by the Minister, may

remove a substance or a sample of a substance referred to in clause (d) in order to conduct further tests, for any purpose reasonably necessary to carry out effectively the purposes of this Act.

(3a) No person shall obstruct the inspector or withhold, destroy, conceal or refuse to furnish any information or thing required by the inspector for the purposes of the inspection. Not to obstruct inspector

(5) Section 17 of the said Act is further amended by adding thereto the following subsection:

(4a) A certificate as to the result of any test that contains the name and a statement of the qualifications of the person who conducted the test and purports to be signed by that person is, without proof of the office or signature of that person, receivable in evidence as *prima facie* proof of the facts stated in the certificate for all purposes in any proceeding or prosecution if it has been served on any party or defendant to the proceeding or prosecution within a reasonable time before the proceeding or trial in which it is to be adduced. Admissibility of test results

(6) Subsection 17 (5) of the said Act is repealed.

14. The said Act is further amended by adding thereto the following sections:

17a.—(1) A person other than a resident who has reasonable grounds to suspect that a resident has suffered or may suffer harm as a result of unlawful conduct, improper or incompetent treatment or care or neglect shall forthwith report the suspicion and the information upon which it is based to the Director. Reporting of harm to resident

(2) No person shall dismiss, discipline or penalize another person because, Protection of persons reporting

(a) a report has been made to the Director under subsection (1);

(b) the Director has been advised of a breach of this Act or the regulations; or

(c) the Director has been advised of any other matter concerning the care of a resident or the operation of a nursing home that the person advising believes ought to be reported to the Director,

unless the other person acts maliciously or without reasonable grounds.

Idem

(3) No person shall coerce, intimidate or attempt to coerce or intimidate another person because information described in clause (2) (a), (b) or (c) has been given to the Director.

Idem

(4) No person shall include in a report to the Director under subsection (1) information the person knows to be false.

Duty on practitioners

R.S.O. 1980, c. 196

(5) Notwithstanding that the information on which a report may be based is confidential or privileged, subsection (1) also applies to a legally qualified medical practitioner or a person registered under the *Health Disciplines Act* to practice a health discipline and no action for making the report shall be commenced against a practitioner or person who acts in accordance with subsection (1) unless that person acts maliciously or without reasonable grounds for the suspicion.

Privilege of solicitor

(6) Nothing in this section abrogates any privilege that may exist between a solicitor and the solicitor's client.

Director to investigate

(7) The Director shall cause any report made under subsection (1) to be investigated forthwith after receiving it.

Licensee to forward complaints

17b.—(1) A licensee shall forward forthwith on receipt to the Director any written complaint the licensee receives concerning the care of a resident or the operation of the nursing home.

Statement of licensee

(2) The licensee shall include with a complaint forwarded under subsection (1) a statement of reply, setting out,

(a) what the licensee has done to remedy the complaint;

(b) what the licensee proposes to do to remedy the complaint and within what time the licensee proposes to do it; or

(c) that the licensee believes the complaint to be unfounded and the reasons for the belief.

Director to investigate

(3) The Director shall cause any complaint received under subsection (1) to be investigated forthwith after receiving it.

Immediate investigation

17c. Where the Director receives a report from any source that gives the Director reasonable grounds to believe that the health, safety or welfare of a resident may be at risk, the Director shall cause an investigation to be commenced and the nursing home in which that resident lives to be visited forthwith.

17d.—(1) A licensee shall, at the end of each year as defined in the regulations, prepare or cause to be prepared for each of the licensee's nursing homes statements of the operation and financial affairs of that nursing home during the preceding year. Financial reporting

(2) The statements shall include, Idem

(a) a statement of the revenue received by the nursing home, or by the licensee in respect of the nursing home, from the Ministry, from residents and from other sources;

(b) a statement, broken down by categories, of the expenditures of the nursing home, or of the licensee in respect of the nursing home, including,

(i) payments to or for the benefit of the licensee, persons associated with the licensee and persons who provide management or administrative services in respect of the nursing home,

(ii) expenditures in respect of staff salaries and benefits, broken down by categories of staff,

(iii) expenditures for food, housekeeping, laundry and other goods and services,

(iv) payments made and amounts charged or recorded for depreciation, debt carrying charges, rent, and business and realty taxes;

(c) any other information respecting the operation and financial affairs of the nursing home that is prescribed by the regulations.

(3) Where a licensee alone or with associates owns or has a controlling interest in more than one nursing home, the statements required under subsection (1) shall include, in addition to statements prepared for each of the licensee's nursing homes, a consolidated statement of the operation and financial affairs of all of those nursing homes and that consolidated statement shall include the information described in subsection (2). Idem

(4) The statements shall be made in the form and manner prescribed by the regulations and shall be certified by the licensee's auditor. Idem

Statement to be filed

(5) A licensee shall file the statements referred to in subsection (1) with the Minister within ninety days after the end of the licensee's fiscal year.

Posting and public inspection

(6) The licensee shall post a copy of the statements referred to in subsection (1) in a prominent place in the nursing home.

Residents' council

17e.—(1) Whenever at least three persons who are either residents in a nursing home or representatives of residents so request, a residents' council shall be established for that nursing home.

Idem

(2) The residents' council shall be established and conducted in the manner provided for by the regulations.

Members

(3) Each resident, or where the resident is unable to participate, the resident's representative may be a member of the residents' council and, in addition, a person selected by the resident or the representative may be a member of the residents' council.

Idem

(4) The Minister, at the request of a residents' council, may appoint no more than three persons to be members of the residents' council and those persons shall serve as members at the pleasure of the residents' council.

Idem

(5) The persons appointed under subsection (4) shall be persons who live in the area in which the nursing home is located and who are not employed by and do not have a contractual relationship with the Ministry.

Idem

(6) No licensee or where the licensee is a corporation, no officer, director or person with a controlling interest in it and no member of the staff of a nursing home shall be a member of a residents' council.

Obligation of administrator

(7) Every administrator shall in respect of each nursing home that he has charge of, within ninety days of being licensed, convene a meeting of the residents or their representatives, to advise the residents that they have a right to form a residents' council.

Idem

(8) Where a residents' council is not established in a nursing home after the convening of a meeting under subsection (7), the administrator shall convene such a meeting at least once each year thereafter until a residents' council is established.

(9) Where a meeting is held under subsection (7) or (8), the administrator shall notify the Director within thirty days of the results of the meeting. Idem

(10) Where three or more residents or their representatives at any time express an interest to their administrator in forming a residents' council, the administrator shall forthwith notify the Director of the interest and assist the residents or their representatives in forming a council within sixty days of the request. Idem

17f. It is the function of a residents' council and it has the power to, Powers of residents' council

(a) advise residents respecting their rights and obligations under this Act;

(b) advise residents respecting the rights and obligations of the licensee under this Act;

(c) meet regularly with the licensee to,

(i) review Ministry inspection reports,

(ii) review the allocation of money for food, supplies and services provided by the nursing home,

(iii) review the statements filed under section 17d when they are filed, and

(iv) review the operation of the nursing home;

(d) attempt to mediate and resolve any dispute between a resident and the licensee; and

(e) report to the Minister any concerns and recommendations that in its opinion ought to be brought to the Minister's attention.

17g.—(1) The Minister, with the consent of a residents' council, may appoint a residents' council assistant to assist the residents' council in carrying out its responsibilities. Residents' council assistant

(2) In carrying out his or her duties, a residents' council assistant shall take instructions from and report to the residents' council. Idem

Entry not refused

(3) No person shall refuse entry to a nursing home to a residents' council assistant or obstruct a residents' council assistant.

Licensee to co-operate

17h. The licensee shall co-operate with the residents' council and the residents' council assistant and shall provide the information, including financial information, and assistance to them provided for by the regulations.

Committee, etc., not personnally liable

17i. No proceeding shall be commenced against a member of a residents' council or a residents' council assistant for any act done in accordance with section 17f, unless the act is done maliciously or without reasonable grounds.

15. Section 19 of the said Act is repealed and the following substituted therefor:

Liability of licensee

19.—(1) In addition to any other liability for an offence under this Act or the regulations, the licensee is guilty of an offence for the contravention of any provision of this Act except subsection 17a (1) or of the regulations that creates an obligation in respect of a nursing home,

(a) without imposing a duty on a specified person to carry it out; or

(b) by imposing a duty on a specified person other than the licensee to carry it out.

Idem

(2) Notwithstanding subsection (1), a licensee is guilty of an offence under subsection (1) if the licensee contravenes subsection 17a (1).

Penalty

19a. Any person who contravenes any provision of this Act or the regulations, except subsection 12 (1), is guilty of an offence and on conviction is liable to a fine of not more than $5,000 for a first offence and not more than $10,000 for each subsequent offence.

Evidence of disabled resident

19b.—(1) Where a party to a proceeding under section 19 or 19a wishes to call as a witness in the proceeding a resident who by reason of age, infirmity or physical disability is unable to attend the proceeding, the party may apply to a provincial judge for an order appointing a justice of the peace to attend upon the witness and to take the evidence of the witness under oath.

Idem

(2) Where a party to a proceeding before the Board under this Act wishes to call as a witness in the proceeding a resident who by reason of age, infirmity or physical disability is

unable to attend the proceeding, the members of the Board who are holding the hearing, at the request of the party, may attend upon the witness and take the evidence of the witness.

Medical report sufficient proof

(3) A medical report signed by a legally qualified medical practitioner stating that the practitioner believes the resident is unable to attend a proceeding by reason of age, infirmity or physical disability is *prima facie* proof of the inability of the witness to attend the proceeding.

Opportunity to examine

(4) A person shall not take evidence from a resident under subsection (1) or (2) unless reasonable notice of the time for taking the evidence is given to all parties to the proceeding and each party attending is given an opportunity to examine or cross-examine the resident.

Transcript as evidence

(5) A transcript of the evidence of a resident taken under subsection (1) and certified as correct by the person who recorded it may be read in evidence in a proceeding under this Act.

16.—(1) Clause 20 (j) of the said Act is amended by adding at the end thereof "and governing their form and content".

(2) Section 20 of the said Act is amended by adding thereto the following clauses:

(ma) respecting the form and content of requests for proposals for the issuing of nursing home licences;

. . . . .

(ta) designating services to be provided to residents by licensees for which no more than a prescribed amount may be charged and prescribing that amount;

(tb) defining "year" for the purposes of subsection 17d (1) (financial reporting), prescribing other information respecting the operation and financial affairs of the nursing home for the purposes of clause 17d (2) (c), and prescribing the form and manner in which statements shall be made;

(tc) respecting the establishment and conduct of residents' councils;

(td) respecting the information, financial information and assistance a licensee shall give to a residents' council and a residents' council assistant.

Commencement

17. This Act comes into force on the day it receives Royal Assent.

Short title

18. The short title of this Act is the *Nursing Homes Amendment Act, 1987*.

CHAPTER 21

An Act to amend the Health Facilities Special Orders Act, 1983

Assented to May 27th, 1987

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 10 of the *Health Facilities Special Orders Act, 1983*, being chapter 43, is amended by adding thereto the following subsection:

Opportunity to comply

(4a) Where the Board is required to hold a hearing, it shall proceed forthwith to hold the hearing unless the licensee satisfies the Board that the licensee has not been given a reasonable opportunity to comply with all the lawful requirements for the issue or retention of the licence, that it would be just and reasonable to give the licensee that opportunity and that delaying the hearing will not adversely affect the health or safety of the persons served by the health facility.

2.—(1) Subsection 11 (2) of the said Act is repealed and the following substituted therefor:

Idem
R.S.O. 1980, c. 320

(2) Where the licensee holds a licence under the *Nursing Homes Act*, any resident or employee or group of residents or employees who request party status are also parties to proceedings before the Board under this Act.

Submissions

(2a) Where the licensee holds a licence under the *Nursing Homes Act*, the Board may permit any person who is not a party before it, including a resident of the nursing home, a representative of a resident of the nursing home, an employee of the nursing home or any other person who may be affected by its decision to make written or oral submissions to the Board, and where it does so those submissions may be made either personally or through an agent.

(2) Subsection 11 (3) of the said Act is amended by inserting after "subsection (1)" in the first line "or (2) and a person

who is permitted to make submissions to the Board under subsection (2a)".

(3) Subsection 11 (6) of the said Act is amended by striking out "and heard the evidence and argument of the parties" in the third and fourth lines and inserting in lieu thereof "heard the evidence and argument of the parties and read or heard any written or oral submissions made under subsection (2)".

3. The said Act is amended by adding thereto the following section:

Evidence of disabled person

11a.—(1) Where a party to a proceeding under this Act wishes to call as a witness in the proceeding a person who by reason of age, infirmity or physical disability is unable to attend the proceeding, the members of the Board who are holding the hearing, at the request of the party, may attend upon the witness and take the evidence of the witness.

Medical report sufficient proof

(2) A medical report signed by a legally qualified medical practitioner stating that the practitioner believes the witness is unable to attend a proceeding by reason of age, infirmity or physical disability is *prima facie* proof of the inability of the witness to attend the proceeding.

Opportunity to examine

(3) A person shall not take evidence from a witness under subsection (1) unless reasonable notice of the time for taking the evidence is given to all parties to the proceeding and each party attending is given an opportunity to examine or cross-examine the witness.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Health Facilities Special Orders Amendment Act, 1987*.

CHAPTER 22

An Act to amend certain Acts respecting Regional Municipalities

Assented to June 29th, 1987

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

REGIONAL MUNICIPALITY OF DURHAM

1.—(1) The *Regional Municipality of Durham Act*, being chapter 434 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

52a.—(1) The Regional Council may by by-law establish, maintain and operate or discontinue fluoridation systems, as defined in section 1 of the *Fluoridation Act*. Fluoridation system; R.S.O. 1980, c. 171

(2) The *Fluoridation Act* does not apply to any area municipality. Non-application

(3) For the purposes of section 9 of the *Fluoridation Act*, fluoridation systems established under this section shall be deemed to be fluoridation systems established under that Act. Regulations

(4) Notwithstanding that a by-law has not been passed under subsection (1), the Regional Corporation may continue to fluoridate the water supply of those areas in the Regional Area to which it was supplying fluoridated water immediately before the coming into force of this subsection. Continuation of fluoridation of water supply in area

(2) Section 90 of the said Act is repealed.

(3) Subsection 129 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 72, section 5, is amended by inserting after "5" in the first line "78a, 78b".

(4) The said subsection 129 (1) is further amended by inserting after "109" in the second line "112".

REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

2.—(1) Section 64 of the *Regional Municipality of Haldimand-Norfolk Act*, being chapter 435 of the Revised Statutes of Ontario, 1980, is repealed.

(2) The said Act is amended by adding thereto the following section:

Fluoridation system

74a.—(1) The Regional Council may by by-law establish, maintain and operate or discontinue fluoridation systems, as defined in section 1 of the *Fluoridation Act*.

R.S.O. 1980, c. 171

Non-application

(2) The *Fluoridation Act* does not apply to any area municipality.

Regulations

(3) For the purposes of section 9 of the *Fluoridation Act*, fluoridation systems established under this section shall be deemed to be fluoridation systems established under that Act.

Continuation of fluoridation of water supply in area

(4) Notwithstanding that a by-law has not been passed under subsection (1), the Regional Corporation may continue to fluoridate the water supply of those areas in the Regional Area to which it was supplying fluoridated water immediately before the coming into force of this subsection.

(3) Subsection 111 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 72, section 12, is amended by inserting after "5" in the first line "78a, 78b".

(4) The said subsection 111 (1) is further amended by inserting after "109" in the second line "112".

REGIONAL MUNICIPALITY OF HALTON

3.—(1) The *Regional Municipality of Halton Act*, being chapter 436 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

Trust fund disbursement

71a. The trust fund, composed of undisbursed interest accumulated prior to the 2nd day of November, 1980 on the trust accounts of residents of the Regional Municipality of Halton Homes for the Aged, is vested in the Regional Corporation for distribution of both the fund and interest accruing thereon by the Regional Council in its absolute discretion for the general benefit of the residents of the Regional Municipality of Halton Homes for the Aged, provided that no expenditure shall be made for the ordinary operation and maintenance of the Homes.

(2) Section 75 of the said Act is repealed.

(3) The said Act is further amended by adding thereto the following section:

Fluoridation system

85a.—(1) The Regional Council may by by-law establish, maintain and operate or discontinue fluoridation systems, as defined in section 1 of the *Fluoridation Act*.

R.S.O. 1980, c. 171

Non-application

(2) The *Fluoridation Act* does not apply to any area municipality.

Regulations

(3) For the purposes of section 9 of the *Fluoridation Act*, fluoridation systems established under this section shall be deemed to be fluoridation systems established under that Act.

Continuation of fluoridation of water supply in area

(4) Notwithstanding that a by-law has not been passed under subsection (1), the Regional Corporation may continue to fluoridate the water supply of those areas in the Regional Area to which it was supplying fluoridated water immediately before the coming into force of this subsection.

(4) Subsection 122 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 72, section 17, is amended by inserting after "5" in the first line "78a, 78b".

(5) The said subsection 122 (1) is further amended by inserting after "109" in the second line "112".

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

4.—(1) The *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

Agreements respecting highways

39a.—(1) The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway under the jurisdiction and control of the Regional Corporation for the construction, maintenance and use of buildings or parts thereof, over, across or under the highway upon such terms and conditions as may be agreed and for leasing or licensing the use of the air space over the highway or the lands under the highway to such persons and for such consideration and upon such terms and conditions as may be agreed.

Approval of agreement

(2) An agreement made under subsection (1) that affects a highway or a highway right of way that is a connecting link, within the meaning of section 21 of the *Public Transportation and Highway Improvement Act* shall have no effect until

R.S.O. 1980, c. 421

approved by the Minister of Transportation and Communications.

(2) Subsection 79 (2) of the said Act is repealed.

(3) Section 86 of the said Act is repealed.

(4) The said Act is further amended by adding thereto the following section:

Fluoridation system

R.S.O. 1980, c. 171

96a.—(1) The Regional Council may by by-law establish, maintain and operate or discontinue fluoridation systems, as defined in section 1 of the *Fluoridation Act*.

Non-application

(2) The *Fluoridation Act* does not apply to any area municipality.

Regulations

(3) For the purposes of section 9 of the *Fluoridation Act*, fluoridation systems established under this section shall be deemed to be fluoridation systems established under that Act.

Continuation of fluoridation of water supply in area

(4) Notwithstanding that a by-law has not been passed under subsection (1), the Regional Corporation may continue to fluoridate the water supply of those areas in the Regional Area to which it was supplying fluoridated water immediately before the coming into force of this subsection.

(5) Subsection 133 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 46, section 4, is amended by inserting after "5" in the first line "78a, 78b".

(6) The said subsection 133 (1) is further amended by inserting after "110" in the second line "112".

REGIONAL MUNICIPALITY OF NIAGARA

5.—(1) Subsections 31 (2) and (3) of the *Regional Municipality of Niagara Act*, being chapter 438 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

Fluoridation system

R.S.O. 1980, c. 171

(2) The Regional Council may by by-law establish, maintain and operate or discontinue fluoridation systems, as defined in section 1 of the *Fluoridation Act*.

Non-application

(3) The *Fluoridation Act* does not apply to any area municipality.

(4) For the purposes of section 9 of the *Fluoridation Act*, fluoridation systems established under this section shall be deemed to be fluoridation systems established under that Act. Regulations R.S.O. 1980, c. 171

(5) Notwithstanding that a by-law has not been passed under subsection (2), the Regional Corporation may continue to fluoridate the water supply of those areas in the Regional Area to which it was supplying fluoridated water immediately before the coming into force of this subsection. Continuation of fluoridation of water supply in area

(2) The said Act is amended by adding thereto the following section:

110a. The trust fund, composed of undisbursed interest accumulated prior to the 1st day of January, 1984 on the trust accounts of residents of the Regional Municipality of Niagara Homes for the Aged, is vested in the Regional Corporation for distribution of both the fund and interest accruing thereon by the Regional Council in its absolute discretion for the general benefit of the residents of the Regional Municipality of Niagara Homes for the Aged, provided that no expenditure shall be made for the ordinary operation and maintenance of the Homes. Trust fund disbursement

(3) Section 112 of the said Act is repealed.

(4) Subsection 161 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 72, section 31, is amended by inserting after "5" in the first line "78a, 78b".

(5) The said subsection 161 (1) is further amended by inserting after "109" in the second line "112".

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

6.—(1) The *Regional Municipality of Ottawa-Carleton Act*, being chapter 439 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

31a.—(1) The Regional Council may by by-law establish, maintain and operate or discontinue fluoridation systems, as defined in section 1 of the *Fluoridation Act*. Fluoridation system R.S.O. 1980, c. 171

(2) The *Fluoridation Act* does not apply to any area municipality. Non-application

(3) For the purposes of section 9 of the *Fluoridation Act*, fluoridation systems established under this section shall be deemed to be fluoridation systems established under that Act. Regulations

Continuation of fluoridation of water supply in area

(4) Notwithstanding that a by-law has not been passed under subsection (1), the Regional Corporation may continue to fluoridate the water supply of those areas in the Regional Area to which it was supplying fluoridated water immediately before the coming into force of this subsection.

(2) Section 113 of the said Act is repealed.

(3) Subsection 115 (2) of the said Act is amended by inserting after "subsection (1)" in the first line "but subject to section 115a".

(4) The said Act is further amended by adding thereto the following section:

Day care service areas

115a.—(1) The Regional Council may by by-law designate as a day care service area any or all of the area municipalities and may pass such additional by-laws to alter the composition of the day care service area by adding or eliminating any area municipality.

Levies for day care service areas

(2) The Regional Council in each year shall levy against the area municipalities situate within the day care service area a sum sufficient to meet the costs, as estimated by the Regional Council, of providing day care services in the day care service area and Part IX applies with necessary modifications to a levy made under this section as though it were a levy made by the Regional Council under subsection 121 (1).

Idem

(3) An area municipality within the day care service area may pay the levy imposed on the area municipality under subsection (2) out of its general funds or, subject to the approval of the Municipal Board, may pass one or more by-laws to impose special rates in one or more parts of the area municipality to raise the whole or any part of the levy imposed on the area municipality under subsection (2).

Idem

(4) An area municipality not in the day care service area may pay the amount charged to it by the Regional Council for day care services under subsection 115 (2) out of its general funds or, subject to the approval of the Municipal Board, may pass one or more by-laws to impose special rates in one or more parts of the area municipality to raise the whole or any part of the amount charged to the area municipality under subsection 115 (2).

(5) Subsection 163 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 72, section 35, is amended by inserting after "5" in the first line "78a, 78b".

(6) The said subsection 163 (1) is further amended by,

(a) inserting after "106" in the first line "112"; and

(b) striking out "and 54" in the third line and inserting in lieu thereof "54 and 55".

(7) The said Act is further amended by adding thereto the following section:

Centralized communication system

165a.—(1) The Regional Council may pass by-laws and enter into agreements to provide for the establishment and operation of a centralized communication system either alone or in concert with the area municipalities and their local boards for the provision of emergency response services in the Regional Area.

Agreements

(2) The area municipalities and their local boards may enter into agreements under subsection (1) with the Regional Council.

REGIONAL MUNICIPALITY OF PEEL

7.—(1) Section 70 of the *Regional Municipality of Peel Act*, being chapter 440 of the Revised Statutes of Ontario, 1980, is repealed.

(2) The said Act is amended by adding thereto the following section:

Fluoridation system

80a.—(1) The Regional Council may by by-law establish, maintain and operate or discontinue fluoridation systems, as defined in section 1 of the *Fluoridation Act*.

R.S.O. 1980, c. 171

Non-application

(2) The *Fluoridation Act* does not apply to any area municipality.

Regulations

(3) For the purposes of section 9 of the *Fluoridation Act*, fluoridation systems established under this section shall be deemed to be fluoridation systems established under that Act.

Continuation of fluoridation of water supply in area

(4) Notwithstanding that a by-law has not been passed under subsection (1), the Regional Corporation may continue to fluoridate the water supply of those areas in the Regional Area to which it was supplying fluoridated water immediately before the coming into force of this subsection.

(3) Subsection 117 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 72, section 41, is amended by inserting after "5" in the first line "78a, 78b".

(4) The said subsection 117 (1) is further amended by inserting after "109" in the second line "112".

REGIONAL MUNICIPALITY OF SUDBURY

8.—(1) **The *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:**

Fluoridation system

R.S.O. 1980, c. 171

25a.—(1) The Regional Council may by by-law establish, maintain and operate or discontinue fluoridation systems, as defined in section 1 of the *Fluoridation Act*.

Non-application

(2) The *Fluoridation Act* does not apply to any area municipality.

Regulations

(3) For the purposes of section 9 of the *Fluoridation Act*, fluoridation systems established under this section shall be deemed to be fluoridation systems established under that Act.

Continuation of fluoridation of water supply in area

(4) Notwithstanding that a by-law has not been passed under subsection (1), the Regional Corporation may continue to fluoridate the water supply of those areas in the Regional Area to which it was supplying fluoridated water immediately before the coming into force of this subsection.

(2) The said Act is further amended by adding thereto the following section:

Trust fund disbursement

33a. The trust fund, composed of undisbursed interest accumulated prior to the 1st day of November, 1984 on the trust accounts of residents of Pioneer Manor, is vested in the Regional Corporation for distribution of both the fund and interest accruing thereon by the Regional Council in its absolute discretion for the general benefit of the residents of Pioneer Manor provided that no expenditure shall be made for the ordinary operation and maintenance of Pioneer Manor.

(3) Section 35 of the said Act is repealed.

(4) Subsection 103 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 72, section 48, is amended by inserting after "5" in the first line "78a, 78b".

(5) The said subsection 103 (1) is further amended by inserting after "106" in the first line "112".

REGIONAL MUNICIPALITY OF WATERLOO

9.—(1) Subsection 30 (2) of the *Regional Municipality of Waterloo Act*, being chapter 442 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Fluoridation system

(2) The Regional Council may by by-law establish, maintain and operate or discontinue fluoridation systems, as defined in section 1 of the *Fluoridation Act*.

R.S.O. 1980, c. 171

Non-application

(3) The *Fluoridation Act* does not apply to any area municipality.

Regulations

(4) For the purposes of section 9 of the *Fluoridation Act*, fluoridation systems established under this section shall be deemed to be fluoridation systems established under that Act.

Continuation of fluoridation of water supply in area

(5) Notwithstanding that a by-law has not been passed under subsection (2), the Regional Corporation may continue to fluoridate the water supply of those areas in the Regional Area to which it was supplying fluoridated water immediately before the coming into force of this subsection.

(2) Section 105 of the said Act is repealed.

(3) Subsection 151 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 72, section 54, is amended by inserting after "5" in the first line "78a, 78b".

(4) The said subsection 151 (1) is further amended by inserting after "110" in the first line "112".

REGIONAL MUNICIPALITY OF YORK

10.—(1) Subsection 31 (2) of the *Regional Municipality of York Act*, being chapter 443 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Fluoridation system

(2) The Regional Council may by by-law establish, maintain and operate or discontinue fluoridation systems, as defined in section 1 of the *Fluoridation Act*.

R.S.O. 1980, c. 171

Non-application

(3) The *Fluoridation Act* does not apply to any area municipality.

Regulations

(4) For the purposes of section 9 of the *Fluoridation Act*, fluoridation systems established under this section shall be deemed to be fluoridation systems established under that Act.

Continuation of fluoridation of water supply in area

(5) Notwithstanding that a by-law has not been passed under subsection (2), the Regional Corporation may continue to fluoridate the water supply of those areas in the Regional Area to which it was supplying fluoridated water immediately before the coming into force of this subsection.

(2) Section 107 of the said Act is repealed.

(3) Subsection 153 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 72, section 59, is amended by inserting after "5" in the first line "78a, 78b".

(4) The said subsection 153 (1) is further amended by inserting after "110" in the first line "112".

Commencement

11.—(1) Subject to subsection (2), this Act comes into force on the day it receives Royal Assent.

Idem

(2) Subsections 1 (3), 2 (3), 3 (4), 4 (2) and (5), 5 (4), 6 (5), 7 (3), 8 (4), 9 (3) and 10 (3) come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

12. The short title of this Act is the *Regional Municipalities Amendment Act, 1987*.

CHAPTER 23

An Act to amend the Landlord and Tenant Act

Assented to June 29th, 1987

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subclauses 1 (c) (i) and (iii) of the *Landlord and Tenant Act*, being chapter 232 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

(i) any premises used or intended for use for residential purposes, including accommodation in a boarding house, rooming house or lodging house,

. . . . .

(iii) premises occupied for business or agricultural purposes with living accommodation attached under a single lease unless the tenant occupying the living accommodation is a person other than the person occupying the premises for business or agricultural purposes, in which case the living accommodation shall be deemed residential premises.

(2) Clause 1 (c) of the said Act is amended by adding thereto the following subclauses:

(v) premises whose occupant or occupants are required to share a bathroom or kitchen facility with the owner, the owner's spouse, child or parent, or the spouse's child or parent, where the owner, spouse, child or parent lives in the building in which the premises are located,

(vi) accommodation provided by an educational institution to its students or staff where,

(A) the accommodation is provided primarily to persons under the age of majority, or

(B) all major questions related to the accommodation are decided after consultation with a council or association representing the residents,

unless the accommodation has its own self-contained bathroom and kitchen facilities and is intended for year-round occupation by full-time students or staff and members of their households,

(vii) accommodation provided to the travelling and vacationing public in a hotel, motel or motor hotel, resort, lodge, tourist camp, cottage or cabin establishment, inn, campground, trailer park, tourist home, bed and breakfast establishment or farm vacation home,

R.S.O. 1980, cc. 410, 389, 79, 263, 202, 203, 201, 320, 275, 64, 118, 280, 273
1984, c. 55

(viii) accommodation that is subject to the *Public Hospitals Act*, the *Private Hospitals Act*, the *Community Psychiatric Hospitals Act*, the *Mental Hospitals Act*, the *Homes for Special Care Act*, the *Homes for the Aged and Rest Homes Act*, the *Homes for Retarded Persons Act*, the *Nursing Homes Act*, the *Ministry of Correctional Services Act*, the *Charitable Institutions Act*, the *Child and Family Services Act, 1984*, the *Developmental Services Act*, the *Ministry of Health Act* or the *Ministry of Community and Social Services Act*,

(ix) accommodation occupied by a person for penal, correctional, rehabilitative or therapeutic purposes or for the purpose of receiving care,

(x) short term accommodation provided as emergency shelter, or

(xi) accommodation, whether situated on or off a farm, where occupancy of the premises is conditional upon the occupant continuing to be employed on the farm.

2.—(1) Clause 81 (e) of the said Act is amended by adding at the end thereof "and includes a licence to occupy residential premises".

(2) Section 81 of the said Act is amended by adding thereto the following clause:

(f) "tenant" means a tenant as defined in clause 1 (e) and in addition includes a boarder, a roomer and a lodger.

3. Subsection 84 (1) of the said Act is repealed and the following substituted therefor:

Security deposits

(1) A landlord shall not require or receive a security deposit from a tenant under a tenancy agreement other than the rent for one rent period, but not in any event exceeding one month, which payment shall be applied in payment of the rent for the last rent period immediately preceding the termination of the tenancy.

4. Section 93 of the said Act is amended by adding thereto the following subsection:

Entry by landlord to clean premises

(2) Where a tenancy agreement requires the landlord to clean the rented premises at regular intervals, the landlord may enter the premises in order to perform that obligation in accordance with the tenancy agreement, without giving the notice referred to in subsection (1).

5. Subsection 96 (2) of the said Act is repealed and the following substituted therefor:

Responsibility for cleanliness

(2) The tenant is responsible for ordinary cleanliness of the rented premises, except to the extent that the tenancy agreement requires the landlord to clean them.

Tenant's responsibility for damage

(2a) The tenant is responsible for the repair of damage caused by the wilful or negligent conduct of the tenant or of persons who are permitted on the premises by the tenant.

6. Subsections 108 (1), (2), (3) and (4) of the said Act are repealed and the following substituted therefor:

Early termination for non-payment of rent

(1) Notwithstanding section 100, 101, 102, 103, 104 or 105, where a tenant fails to pay rent in accordance with a tenancy agreement, the landlord may serve on the tenant notice of termination of the tenancy agreement effective not earlier than,

(a) in the case of a daily or weekly tenancy, the seventh day; and

(b) in the case of a tenancy other than a daily or weekly tenancy, the twentieth day,

after the notice is given.

Notice to specify right of tenant

(2) The notice of termination shall specify the right of the tenant to avoid the termination of the tenancy by payment of the rent demanded,

(a) in the case of a daily or weekly tenancy, within seven days; and

(b) in the case of a tenancy other than a daily or weekly tenancy, within fourteen days,

of the tenant receiving the notice of termination.

Notice void where rent paid

(3) Where a tenant who received notice of termination under subsection (1) pays to the landlord the rent that is due in accordance with the tenancy agreement and within,

(a) in the case of a daily or weekly tenancy, seven days; and

(b) in the case of a tenancy other than a daily or weekly tenancy, fourteen days,

of the day the tenant receives the notice, the notice of termination is void and of no effect.

Application by landlord under s. 113

(4) Where a tenant fails to pay the rent demanded,

(a) in the case of a daily or weekly tenancy, within the seven days mentioned in clause (2) (a); and

(b) in the case of a tenancy other than a daily or weekly tenancy, within the fourteen days mentioned in clause (2) (b),

the landlord is entitled to make application forthwith under section 113.

7. Clause 121 (4) (a) of the said Act is amended by inserting after "water" in the second line "food".

Commencement and application

8. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor and applies to tenancies under tenancy agreements entered into or renewed before and subsisting on that day or entered into on or after that day.

Short title

9. The short title of this Act is the *Landlord and Tenant Amendment Act, 1987*.

CHAPTER 24

An Act to amend the Wine Content Act

Assented to June 29th, 1987

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. **Subsection 1 (2) of the *Wine Content Act*, being chapter 534 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1984, chapter 2, section 1 and 1986, chapter 32, section 1, is further amended by striking out "1987" in the amendment of 1986 and inserting in lieu thereof "1988".**

2. **This Act comes into force on the day it receives Royal Assent.** Commencement

3. **The short title of this Act is the *Wine Content Amendment Act, 1987*.** Short title

CHAPTER 25

An Act to provide for Freedom of Information and Protection of Individual Privacy

Assented to June 29th, 1987

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Purposes

1. The purposes of this Act are,

(a) to provide a right of access to information under the control of institutions in accordance with the principles that,

(i) information should be available to the public,

(ii) necessary exemptions from the right of access should be limited and specific, and

(iii) decisions on the disclosure of government information should be reviewed independently of government; and

(b) to protect the privacy of individuals with respect to personal information about themselves held by institutions and to provide individuals with a right of access to that information.

Definitions

2.—(1) In this Act,

"head", in respect of an institution, means,

(a) in the case of a ministry, the minister of the Crown who presides over the ministry, and

(b) in the case of any other institution, the person designated as head of that institution in the regulations;

"Information and Privacy Commissioner" and "Commissioner" mean the Commissioner appointed under subsection 4 (1);

"institution" means,

(a) a ministry of the Government of Ontario,

(b) the corporation of every municipality in Ontario, every local board as defined by the *Municipal Affairs Act*, and every authority, board, commission, corporation, office or organization of persons whose members or officers are appointed or chosen by or under the authority of the council of the corporation of a municipality in Ontario, and R.S.O. 1980, c. 303

(c) any agency, board, commission, corporation or other body designated as an institution in the regulations;

"law enforcement" means,

(a) policing,

(b) investigations or inspections that lead or could lead to proceedings in a court or tribunal if a penalty or sanction could be imposed in those proceedings, and

(c) the conduct of proceedings referred to in clause (b);

"personal information" means recorded information about an identifiable individual, including,

(a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,

(b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,

(c) any identifying number, symbol or other particular assigned to the individual,

(d) the address, telephone number, fingerprints or blood type of the individual,

(e) the personal opinions or views of the individual except where they relate to another individual,

(f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,

(g) the views or opinions of another individual about the individual, and

(h) the individual's name where it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual;

"personal information bank" means a collection of personal information that is organized and capable of being retrieved;

"record" means any record of information however recorded, whether in printed form, on film, by electronic means or otherwise, and includes,

(a) correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine readable record, any other documentary material, regardless of physical form or characteristics, and any copy thereof, and

(b) subject to the regulations, any record that is capable of being produced from a machine readable record under the control of an institution by means of computer hardware and software or any other information storage equipment and technical expertise normally used by the institution;

"regulations" means the regulations made under this Act;

"responsible minister" means the minister of the Crown who is designated by order of the Lieutenant Governor in Council under section 3.

Personal information

(2) Personal information does not include information about an individual who has been dead for more than thirty years.

Effective date

(3) Clause (b) in the definition of "institution" in subsection (1) shall not have effect until three years after this section comes into force.

Municipality

(4) Clause (b) in the definition of "institution" in subsection (1) applies to every municipality, including a metropolitan, district and regional municipality and the County of Oxford.

Deemed head where no designation

(5) Where no head is designated under clause (b) in the definition of "head" in subsection (1) in respsect of an institution, the minister responsible for that institution shall be deemed to be the head of that institution.

PART I

ADMINISTRATION

Responsible minister

3. The Lieutenant Governor in Council may by order designate a minister of the Crown to be the responsible minister for the purposes of this Act.

Information and Privacy Commissioner

4.—(1) There shall be appointed, as an officer of the Legislature, an Information and Privacy Commissioner to exercise the powers and perform the duties prescribed by this Act.

Appointment

(2) The Commissioner shall be appointed by the Lieutenant Governor in Council on the address of the Assembly.

Term and removal from office

(3) The Commissioner shall hold office for a term of five years and may be reappointed for a further term or terms, but is removable at any time for cause by the Lieutenant Governor in Council on the address of the Assembly.

Assistant Commissioners

(4) The Commissioner shall appoint an officer of his or her staff to be Assistant Information Commissioner and another officer of his or her staff to be Assistant Privacy Commissioner.

Nature of employment

5.—(1) The Commissioner shall work exclusively as Commissioner and shall not hold any other office under the Crown or engage in any other employment.

R.S.O. 1980, cc. 418, 419 not to apply

(2) The *Public Service Act* and the *Public Service Superannuation Act* do not apply to the Commissioner.

Salary

6.—(1) The Commissioner shall be paid a salary to be fixed by the Lieutenant Governor in Council.

Idem

(2) The salary of the Commissioner shall not be reduced except on the address of the Assembly.

Expenses

(3) The Commissioner is entitled to be paid reasonable travelling and living expenses while absent from his or her ordinary place of residence in the exercise of any functions under this Act.

Pension R.S.O. 1980, c. 236

(4) Part II of the *Legislative Assembly Retirement Allowances Act*, except sections 15 and 16 and subsection 18 (5), applies with necessary modifications to the Commissioner in the same manner as if the Commissioner were a member of the Legislative Assembly and for the purpose,

"average annual remuneration" means the average annual salary of the Commissioner during any five years of his or her service, which years need not be consecutive, during which his or her salary was highest;

"remuneration" means the salary of the Commissioner.

Temporary Commissioner

7. If, while the Legislature is not in session, the Commissioner dies, resigns or is unable or neglects to perform the functions of the office of Commissioner, the Lieutenant Governor in Council may appoint a Temporary Commissioner to hold office for a term of not more than six months who shall, while in such office, have the powers and duties of the Commissioner and shall be paid such salary or other remuneration and expenses as the Lieutenant Governor in Council may fix.

Staff

8.—(1) Subject to the approval of the Lieutenant Governor in Council, the Commissioner may employ mediators and any other officers and employees the Commissioner considers necessary for the efficient operation of the office and may determine their salary and remuneration and terms and conditions of employment.

Benefits

(2) The employee benefits applicable from time to time to the public servants of Ontario with respect to,

(a) cumulative vacation and sick leave credits for regular attendance and payments in respect of such credits;

(b) plans for group life insurance, medical-surgical insurance or long term income protection; and

(c) the granting of leave of absence,

apply to the employees of the Commissioner and where such benefits are provided for in regulations made under the *Public Service Act*, the Commissioner, or any person authorized in writing by him or her, may exercise the powers and duties of a minister or deputy minister or of the Civil Service Commission under such regulations. R.S.O. 1980, c. 418

(3) The *Public Service Superannuation Act* applies to the permanent and probationary staff of the Commissioner as though the Commissioner were a commission designated by the Lieutenant Governor in Council under section 28 of that Act. Employees' superannuation benefits R.S.O. 1980, c. 419

9.—(1) The Commissioner may lease any premises and acquire any equipment and supplies necessary for the efficient operation of the office of the Commissioner. Premises and supplies

(2) The salary of the Commissioner and the expenses required for the operation of the office are payable out of moneys appropriated therefor by the Legislature. Salary and expenses

(3) The accounts and financial transactions of the office of the Commissioner shall be audited annually by the Provincial Auditor. Audit

PART II

FREEDOM OF INFORMATION

ACCESS TO RECORDS

10.—(1) Every person has a right of access to a record or a part of a record in the custody or under the control of an institution unless the record or the part of the record falls within one of the exemptions under sections 12 to 22. Right of access

(2) Where an institution receives a request for access to a record that contains information that falls within one of the exemptions under sections 12 to 22, the head shall disclose as much of the record as can reasonably be severed without disclosing the information that falls under one of the exemptions. Severability of record

Obligation to disclose

11.—(1) Despite any other provision of this Act, a head shall, as soon as practicable, disclose any record to the public or persons affected if the head has reasonable and probable grounds to believe that it is in the public interest to do so and that the record reveals a grave environmental, health or safety hazard to the public.

Notice

(2) Before disclosing a record under subsection (1), the head shall cause notice to be given to any person to whom the information in the record relates, if it is practicable to do so.

Contents of notice

(3) The notice shall contain,

(a) a statement that the head intends to release a record or a part of a record that may affect the interests of the person;

(b) a description of the contents of the record or part that relate to the person; and

(c) a statement that if the person makes representations forthwith to the head as to why the record or part thereof should not be disclosed, those representations will be considered by the head.

Representations

(4) A person who is given notice under subsection (2) may make representations forthwith to the head concerning why the record or part should not be disclosed.

EXEMPTIONS

Cabinet records

12.—(1) A head shall refuse to disclose a record where the disclosure would reveal the substance of deliberations of an Executive Council or its committees, including,

(a) an agenda, minute or other record of the deliberations or decisions of the Executive Council or its committees;

(b) a record containing policy options or recommendations submitted, or prepared for submission, to the Executive Council or its committees;

(c) a record that does not contain policy options or recommendations referred to in clause (b) and that does contain background explanations or analyses of problems submitted, or prepared for submission, to the Executive Council or its committees for their consideration in making decisions, before those decisions are made and implemented;

(d) a record used for or reflecting consultation among ministers of the Crown on matters relating to the making of government decisions or the formulation of government policy;

(e) a record prepared to brief a minister of the Crown in relation to matters that are before or are proposed to be brought before the Executive Council or its committees, or are the subject of consultations among ministers relating to government decisions or the formulation of government policy; and

(f) draft legislation or regulations.

Exception

(2) Despite subsection (1), a head shall not refuse under subsection (1) to disclose a record where,

(a) the record is more than twenty years old; or

(b) the Executive Council for which, or in respect of which, the record has been prepared consents to access being given.

Advice to government

13.—(1) A head may refuse to disclose a record where the disclosure would reveal advice or recommendations of a public servant, any other person employed in the service of an institution or a consultant retained by an institution.

Exception

(2) Despite subsection (1), a head shall not refuse under subsection (1) to disclose a record that contains,

(a) factual material;

(b) a statistical survey;

(c) a report by a valuator, whether or not the valuator is an officer of the institution;

(d) an environmental impact statement or similar record;

(e) a report of a test carried out on a product for the purpose of government equipment testing or a consumer test report;

(f) a report or study on the performance or efficiency of an institution, whether the report or study is of a general nature or is in respect of a particular program or policy;

(g) a feasibility study or other technical study, including a cost estimate, relating to a government policy or project;

(h) a report containing the results of field research undertaken before the formulation of a policy proposal;

(i) a final plan or proposal to change a program of an institution, or for the establishment of a new program, including a budgetary estimate for the program, whether or not the plan or proposal is subject to approval, unless the plan or proposal is to be submitted to the Executive Council or its committees;

(j) a report of an interdepartmental committee task force or similar body, or of a committee or task force within an institution, which has been established for the purpose of preparing a report on a particular topic, unless the report is to be submitted to the Executive Council or its committees;

(k) a report of a committee, council or other body which is attached to an institution and which has been established for the purpose of undertaking inquiries and making reports or recommendations to the institution;

(l) the reasons for a final decision, order or ruling of an officer of the institution made during or at the conclusion of the exercise of discretionary power conferred by or under an enactment or scheme administered by the institution, whether or not the enactment or scheme allows an appeal to be taken against the decision, order or ruling, whether or not the reasons,

(i) are contained in an internal memorandum of the institution or in a letter addressed by an officer or employee of the institution to a named person, or

(ii) were given by the officer who made the decision, order or ruling or were incorporated by reference into the decision, order or ruling.

Idem

(3) Despite subsection (1), a head shall not refuse under subsection (1) to disclose a record where the record is more than twenty years old or where the head has publicly cited the

record as the basis for making a decision or formulating a policy.

Law enforcement

14.—(1) A head may refuse to disclose a record where the disclosure could reasonably be expected to,

(a) interfere with a law enforcement matter;

(b) interfere with an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;

(c) reveal investigative techniques and procedures currently in use or likely to be used in law enforcement;

(d) disclose the identity of a confidential source of information in respect of a law enforcement matter, or disclose information furnished only by the confidential source;

(e) endanger the life or physical safety of a law enforcement officer or any other person;

(f) deprive a person of the right to a fair trial or impartial adjudication;

(g) interfere with the gathering of or reveal law enforcement intelligence information respecting organizations or persons;

(h) reveal a record which has been confiscated from a person by a peace officer in accordance with an Act or regulation;

(i) endanger the security of a building or the security of a vehicle carrying items, or of a system or procedure established for the protection of items, for which protection is reasonably required;

(j) facilitate the escape from custody of a person who is under lawful detention;

(k) jeopardize the security of a centre for lawful detention; or

(l) facilitate the commission of an unlawful act or hamper the control of crime.

Idem

(2) A head may refuse to disclose a record,

(a) that is a report prepared in the course of law enforcement, inspections or investigations by an agency which has the function of enforcing and regulating compliance with a law;

(b) that is a law enforcement record where the disclosure would constitute an offence under an Act of Parliament;

(c) that is a law enforcement record where the disclosure could reasonably be expected to expose the author of the record or any person who has been quoted or paraphrased in the record to civil liability; or

(d) that contains information about the history, supervision or release of a person under the control or supervision of a correctional authority.

Refusal to confirm or deny existence of record

(3) A head may refuse to confirm or deny the existence of a record to which subsection (1) or (2) apply.

Exception

(4) Despite clause (2) (a), a head shall disclose a record that is a report prepared in the course of routine inspections by an agency where that agency is authorized to enforce and regulate compliance with a particular statute of Ontario.

Idem

(5) Subsections (1) and (2) do not apply to a record on the degree of success achieved in a law enforcement program including statistical analyses unless disclosure of such a record may prejudice, interfere with or adversely affect any of the matters referred to in those subsections.

Relations with other governments

15. A head may refuse to disclose a record where the disclosure could reasonably be expected to,

(a) prejudice the conduct of intergovernmental relations by the Government of Ontario or an institution;

(b) reveal information received in confidence from another government or its agencies by an institution; or

(c) reveal information received in confidence from an international organization of states or a body thereof by an institution,

and shall not disclose any such record without the prior approval of the Executive Council.

Defence

16. A head may refuse to disclose a record where the disclosure could reasonably be expected to prejudice the defence of Canada or of any foreign state allied or associated with Canada or be injurious to the detection, prevention or suppression of espionage, sabotage or terrorism and shall not disclose any such record without the prior approval of the Executive Council.

Third party information

17.—(1) A head shall refuse to disclose a record that reveals a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence implicitly or explicitly, where the disclosure could reasonably be expected to,

(a) prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;

(b) result in similar information no longer being supplied to the institution where it is in the public interest that similar information continue to be so supplied; or

(c) result in undue loss or gain to any person, group, committee or financial institution or agency.

Consent to disclosure

(2) A head may disclose a record described in subsection (1) if the person to whom the information relates consents to the disclosure.

Economic and other interests of Ontario

18.—(1) A head may refuse to disclose a record that contains,

(a) trade secrets or financial, commercial, scientific or technical information that belongs to the Government of Ontario or an institution and has monetary value or potential monetary value;

(b) information obtained through research by an employee of an institution where the disclosure could reasonably be expected to deprive the employee of priority of publication;

(c) information where the disclosure could reasonably be expected to prejudice the economic interests of

an institution or the competitive position of an institution;

(d) information where the disclosure could reasonably be expected to be injurious to the financial interests of the Government of Ontario or the ability of the Government of Ontario to manage the economy of Ontario;

(e) positions, plans, procedures, criteria or instructions to be applied to any negotiations carried on or to be carried on by or on behalf of an institution or the Government of Ontario;

(f) plans relating to the management of personnel or the administration of an institution that have not yet been put into operation or made public;

(g) information including the proposed plans, policies or projects of an institution where the disclosure could reasonably be expected to result in premature disclosure of a pending policy decision or undue financial benefit or loss to a person.

Exception

(2) A head shall not refuse under subsection (1) to disclose a record that contains the results of product or environmental testing carried out by or for an institution, unless,

(a) the testing was done as a service to a person, a group of persons or an organization other than an institution and for a fee; or

(b) the testing was conducted as preliminary or experimental tests for the purpose of developing methods of testing.

Solicitor-client privilege

19. A head may refuse to disclose a record that is subject to solicitor-client privilege or that was prepared by or for Crown counsel for use in giving legal advice or in contemplation of or for use in litigation.

Danger to safety or health

20. A head may refuse to disclose a record where the disclosure could reasonably be expected to seriously threaten the safety or health of an individual.

Personal privacy

21.—(1) A head shall refuse to disclose personal information to any person other than the individual to whom the information relates except,

(a) upon the prior written request or consent of the individual, if the record is one to which the individual is entitled to have access;

(b) in compelling circumstances affecting the health or safety of an individual, if upon disclosure notification thereof is mailed to the last known address of the individual to whom the information relates;

(c) personal information collected and maintained specifically for the purpose of creating a record available to the general public;

(d) under an Act of Ontario or Canada that expressly authorizes the disclosure;

(e) for a research purpose if,

(i) the disclosure is consistent with the conditions or reasonable expectations of disclosure under which the personal information was provided, collected or obtained,

(ii) the research purpose for which the disclosure is to be made cannot be reasonably accomplished unless the information is provided in individually identifiable form, and

(iii) terms and conditions relating to,

(A) security and confidentiality,

(B) the removal or destruction of the individual identifier or identifiers associated with the record at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research or statistical project, and

(C) the prohibition of any subsequent use or disclosure of the record in individually identifiable form without the express authorization of the institution,

have been approved by the responsible minister and the person obtaining the record has filed with the responsible minister a written statement indicating that the person under-

stands and will abide by the terms and conditions; or

(f) if the disclosure does not constitute an unjustified invasion of personal privacy.

Criteria re invasion of privacy

(2) A head, in determining whether a disclosure of personal information constitutes an unjustified invasion of personal privacy, shall consider all the relevant circumstances, including whether,

(a) the disclosure is desirable for the purpose of subjecting the activities of the Government of Ontario and its agencies to public scrutiny;

(b) access to the personal information may promote public health and safety;

(c) access to the personal information will promote informed choice in the purchase of goods and services;

(d) the personal information is relevant to a fair determination of rights affecting the person who made the request;

(e) the individual to whom the information relates will be exposed unfairly to pecuniary or other harm;

(f) the personal information is highly sensitive;

(g) the personal information is unlikely to be accurate or reliable;

(h) the personal information has been supplied by the individual to whom the information relates in confidence; and

(i) the disclosure may unfairly damage the reputation of any person referred to in the record.

Presumed invasion of privacy

(3) A disclosure of personal information is presumed to constitute an unjustified invasion of personal privacy where the personal information,

(a) relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation;

(b) was compiled and is identifiable as part of an investigation into a possible violation of law, except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation;

(c) relates to eligibility for social service or welfare benefits or to the determination of benefit levels;

(d) relates to employment or educational history;

(e) was obtained on a tax return or gathered for the purpose of collecting a tax;

(f) describes an individual's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness;

(g) consists of personal recommendations or evaluations, character references or personnel evaluations; or

(h) indicates the individual's racial or ethnic origin, sexual orientation or religious or political beliefs or associations.

Limitation

(4) Despite subsection (3), a disclosure does not constitute an unjustified invasion of personal privacy if it,

(a) discloses the classification, salary range and benefits, or employment responsibilities of an individual who is or was an officer or employee of an institution or a member of the staff of a minister;

(b) discloses financial or other details of a contract for personal services between an individual and an institution; or

(c) discloses details of a licence or permit or a similar discretionary financial benefit conferred on an individual by an institution or a head under circumstances where,

(i) the individual represents 1 per cent or more of all persons and organizations in Ontario receiving a similar benefit, and

(ii) the value of the benefit to the individual represents 1 per cent or more of the total value of similar benefits provided to other persons and organizations in Ontario.

Refusal to confirm or deny existence of record

(5) A head may refuse to confirm or deny the existence of a record if disclosure of the record would constitute an unjustified invasion of personal privacy.

Information soon to be published

22. A head may refuse to disclose a record where,

(a) the record or the information contained in the record has been published or is currently available to the public; or

(b) the head believes on reasonable grounds that the record or the information contained in the record will be published by an institution within ninety days after the request is made or within such further period of time as may be necessary for printing or translating the material for the purpose of printing it.

Exemptions not to apply

23. An exemption from disclosure of a record under sections 13, 15, 17, 18, 20 and 21 does not apply where a compelling public interest in the disclosure of the record clearly outweighs the purpose of the exemption.

ACCESS PROCEDURE

Request

24.—(1) A person seeking access to a record shall make a request therefor in writing to the institution that the person believes has custody or control of the record and shall provide sufficient detail to enable an experienced employee of the institution, upon a reasonable effort, to identify the record.

Sufficiency of detail

(2) If the request does not sufficiently describe the record sought, the institution shall inform the applicant of the defect and shall offer assistance in reformulating the request so as to comply with subsection (1).

Request for continuing access to record

(3) The applicant may indicate in the request that it shall, if granted, continue to have effect for a specified period of up to two years.

Institution to provide schedule

(4) When a request that is to continue to have effect is granted, the institution shall provide the applicant with,

(a) a schedule showing dates in the specified period on which the request shall be deemed to have been received again, and explaining why those dates were chosen; and

(b) a statement that the applicant may ask the Commissioner to review the schedule.

(5) This Act applies as if a new request were being made on each of the dates shown in the schedule. Act applies as if new requests were being made

25.—(1) Where an institution receives a request for access to a record that the institution does not have in its custody or under its control, the head shall make all necessary inquiries to determine whether another institution has custody or control of the record, and where the head determines that another institution has custody or control of the record, the head shall within 15 days after the request is received, Request to be forwarded

(a) forward the request to the other institution; and

(b) give written notice to the person who made the request that it has been forwarded to the other institution.

(2) Where an institution receives a request for access to a record and the head considers that another institution has a greater interest in the record, the head may transfer the request and, if necessary, the record to the other institution, within fifteen days after the request is received, in which case the head transferring the request shall give written notice of the transfer to the person who made the request. Transfer of request

(3) For the purpose of subsection (2), another institution has a greater interest in a record than the institution that receives the request for access if, Greater interest

(a) the record was originally produced in or for the other institution; or

(b) in the case of a record not originally produced in or for an institution, the other institution was the first institution to receive the record or a copy thereof.

(4) Where a request is forwarded or transferred under subsection (1) or (2), the request shall be deemed to have been made to the institution to which it is forwarded or transferred on the day the institution to which the request was originally made received it. When transferred request deemed made

26. Where a person requests access to a record, the head of the institution to which the request is made or if a request is forwarded or transferred under section 25, the head of the institution to which it is forwarded or transferred, shall, subject to sections 27 and 28, within thirty days after the request is received, Notice by head

(a) give written notice to the person who made the request as to whether or not access to the record or a part thereof will be given; and

(b) if access is to be given, give the person who made the request access to the record or part thereof, and where necessary for the purpose cause the record to be produced.

Extension of time

27.—(1) A head may extend the time limit set out in section 26 for a period of time that is reasonable in the circumstances, where,

(a) the request is for a large number of records or necessitates a search through a large number of records and meeting the time limit would unreasonably interfere with the operations of the institution; or

(b) consultations that cannot reasonably be completed within the time limit are necessary to comply with the request.

Notice of extension

(2) Where a head extends the time limit under subsection (1), the head shall give the person who made the request written notice of the extension setting out,

(a) the length of the extension;

(b) the reason for the extension; and

(c) that the person who made the request may ask the Commissioner to review the extension.

Notice to affected person

28.—(1) Before a head grants a request for access to a record,

(a) that the head has reason to believe might contain information referred to in subsection 17 (1) that affects the interest of a person other than the person requesting information; or

(b) that is personal information that the head has reason to believe might constitute an unjustified invasion of personal privacy for the purposes of clause 21 (1) (f),

the head shall give written notice in accordance with subsection (2) to the person to whom the information relates.

Contents of notice

(2) The notice shall contain,

(a) a statement that the head intends to release a record or part thereof that may affect the interests of the person;

(b) a description of the contents of the record or part thereof that relate to the person; and

(c) a statement that the person may, within twenty days after the notice is given, make representations to the head as to why the record or part thereof should not be disclosed.

Time for notice

(3) The notice referred to in subsection (1) shall be given within thirty days after the request for access is received or, where there has been an extension of a time limit under subsection 27 (1), within that extended time limit.

Notice of delay

(4) Where a head gives notice to a person under subsection (1), the head shall also give the person who made the request written notice of delay, setting out,

(a) that the record or part thereof may affect the interests of another party;

(b) that the other party is being given an opportunity to make representations concerning disclosure; and

(c) that the head will within thirty days decide whether or not to disclose the record.

Representation re disclosure

(5) Where a notice is given under subsection (1), the person to whom the information relates may, within twenty days after the notice is given, make representations to the head as to why the record or the part thereof should not be disclosed.

Representation in writing

(6) Representations under subsection (5) shall be made in writing unless the head permits them to be made orally.

Decision re disclosure

(7) The head shall, within thirty days after the notice under subsection (1) is given, but not before the earlier of,

(a) the day the response to the notice from the person to whom the information relates is received; or

(b) twenty-one days after the notice is given,

decide whether or not to disclose the record or the part thereof and give written notice of the decision to the person to whom the information relates and the person who made the request.

Notice of head's decision to disclose

(8) Where a head decides to disclose a record or part thereof under subsection (7), the head shall state in the notice that,

(a) the person to whom the information relates may appeal the decision to the Commissioner within thirty days after the notice is given; and

(b) the person who made the request will be given access to the record or to a part thereof, unless an appeal of the decision is commenced within thirty days after the notice is given.

Access to be given unless affected person appeals

(9) Where, under subsection (7), the head decides to disclose the record or a part thereof, the head shall give the person who made the request access to the record or part thereof within thirty days after notice is given under subsection (7), unless the person to whom the information relates asks the Commissioner to review the decision.

Contents of notice of refusal

29.—(1) Notice of refusal to give access to a record or a part thereof under section 26 shall set out,

(a) where there is no such record, that there is no such record; or

(b) where there is such a record,

(i) the specific provision of this Act under which access is refused,

(ii) the reason the provision applies to the record,

(iii) the name and position of the person responsible for making the decision, and

(iv) that the person who made the request may appeal to the Commissioner for a review of the decision.

Idem

(2) Where a head refuses to confirm or deny the existence of a record as provided in subsection 14 (3) (law enforcement) or subsection 21 (5) (unjustified invasion of personal privacy), the head shall state in the notice given under section 26,

(a) that the head refuses to confirm or deny the existence of the record;

(b) the provision of this Act on which the refusal is based;

(c) the name and office of the person responsible for making the decision; and

(d) that the person who made the request may appeal to the Commissioner for a review of the decision.

Idem

(3) Where a head refuses to disclose a record or part thereof under subsection 28 (7), the head shall state in the notice given under subsection 28 (7),

(a) the specific provision of this Act under which access is refused;

(b) the reason the provision named in clause (a) applies to the record;

(c) the name and office of the person responsible for making the decision to refuse access; and

(d) that the person who made the request may appeal to the Commissioner for a review of the decision.

Deemed refusal

(4) A head who fails to give the notice required under section 26 or subsection 28 (7) concerning a record shall be deemed to have given notice of refusal to give access to the record on the last day of the period during which notice should have been given.

Copy of record

30.—(1) Subject to subsection (2), a person who is given access to a record or a part thereof under this Act shall be given a copy thereof unless it would not be reasonably practicable to reproduce the record or part thereof by reason of its length or nature, in which case the person shall be given an opportunity to examine the record or part thereof in accordance with the regulations.

Access to original record

(2) Where a person requests the opportunity to examine a record or a part thereof and it is reasonably practicable to give the person that opportunity, the head shall allow the person to examine the record or part thereof in accordance with the regulations.

Copy of part

(3) Where a person examines a record or a part thereof and wishes to have portions of it copied, the person shall be given a copy of those portions unless it would not be reasonably practicable to reproduce them by reason of their length or nature.

INFORMATION TO BE PUBLISHED OR AVAILABLE

Publication of information re institutions

31. The responsible minister shall cause to be published annually a compilation listing all institutions and, in respect of each institution, setting out,

(a) where a request for a record should be made;

(b) the name and office of the head of the institution;

(c) where the material referred to in sections 32, 33, 34 and 45 has been made available; and

(d) whether the institution has a library or reading room which is available for public use, and if so, its address.

Operation of institutions

32. The responsible minister shall cause to be published annually an indexed compilation containing,

(a) a description of the organization and responsibilities of each institution including details of the programs and functions of each division or branch of each institution;

(b) a list of the general classes or types of records prepared by or in the custody or control of each institution;

(c) the title, business telephone number and business address of the head of each institution; and

(d) any amendment of information referred to in clause (a), (b) or (c) that has been made available in accordance with this section.

Institution documents

33.—(1) A head shall make available, in the manner described in section 35,

(a) manuals, directives or guidelines prepared by the institution, issued to its officers and containing interpretations of the provisions of any enactment or scheme administered by the institution where the interpretations are to be applied by, or are to be guidelines for, any officer who determines,

(i) an application by a person for a right, privilege or benefit which is conferred by the enactment or scheme,

(ii) whether to suspend, revoke or impose new conditions on a right, privilege or benefit already granted to a person under the enactment or scheme, or

(iii) whether to impose an obligation or liability on a person under the enactment or scheme; or

(b) instructions to, and guidelines for, officers of the institution on the procedures to be followed, the methods to be employed or the objectives to be pursued in their administration or enforcement of the provisions of any enactment or scheme administered by the institution that affects the public.

Deletions

(2) A head may delete from a document made available under subsection (1) any record or part of a record which the head would be entitled to refuse to disclose where the head includes in the document,

(a) a statement of the fact that a deletion has been made;

(b) a brief statement of the nature of the record which has been deleted; and

(c) a reference to the provision of this Act on which the head relies.

Annual report of head

34.—(1) A head shall make an annual report, in accordance with subsection (2), to the Commissioner.

Contents of report

(2) A report made under subsection (1) shall specify,

(a) the number of requests under this Act for access to records made to the institution;

(b) the number of refusals by the head to disclose a record, the provisions of this Act under which disclosure was refused and the number of occasions on which each provision was invoked;

(c) for each provision of this Act in respect of which an appeal of a decision of a head has been commenced, the number of appeals commenced;

(d) the number of uses or purposes for which personal information is disclosed where the use or purpose is not included in the statements of uses and purposes set forth under clauses 45 (d) and (e);

(e) the amount of fees collected by the institution under section 57; and

(f) any other information indicating an effort by the institution to put into practice the purposes of this Act.

Documents made available

35.—(1) The responsible minister shall cause the materials described in sections 31, 32 and 45 to be made generally available for inspection and copying by the public and shall cause them to be made available to the public in the reading room, library or office designated by each institution for this purpose.

Idem

(2) Every head shall cause the materials described in sections 33 and 34 to be made available to the public in the reading room, library or office designated by each institution for this purpose.

Information from heads

36. Every head shall provide to the responsible minister at the responsible minister's request, the information needed by the responsible minister to prepare the materials described in sections 31, 32 and 45.

PART III

PROTECTION OF INDIVIDUAL PRIVACY

COLLECTION AND RETENTION OF PERSONAL INFORMATION

Application of Part

37. This Part does not apply to personal information that is maintained for the purpose of creating a record that is available to the general public.

Definition

38.—(1) In this section and in section 39, "personal information" includes information that is not recorded and that is otherwise defined as "personal information" under this Act.

Collection of personal information

(2) No person shall collect personal information on behalf of an institution unless the collection is expressly authorized by statute, used for the purposes of law enforcement or necessary to the proper administration of a lawfully authorized activity.

Manner of collection

39.—(1) Personal information shall only be collected by an institution directly from the individual to whom the information relates unless,

(a) the individual authorizes another manner of collection;

(b) the personal information may be disclosed to the institution concerned under section 42;

(c) the Commissioner has authorized the manner of collection under clause 59 (c);

(d) the information is in a report from a reporting agency in accordance with the *Consumer Reporting Act*; R.S.O. 1980, c. 89

(e) the information is collected for the purpose of determining suitability for an honour or award to recognize outstanding achievement or distinguished service;

(f) the information is collected for the purpose of the conduct of a proceeding or a possible proceeding before a court or judicial or quasi-judicial tribunal;

(g) the information is collected for the purpose of law enforcement; or

(h) another manner of collection is authorized by or under a statute.

Notice to individual

(2) Where personal information is collected on behalf of an institution, the head shall, unless notice is waived by the responsible minister, inform the individual to whom the information relates of,

(a) the legal authority for the collection;

(b) the principal purpose or purposes for which the personal information is intended to be used; and

(c) the title, business address and business telephone number of a public official who can answer the individual's questions about the collection.

Exception

(3) Subsection (2) does not apply where the head may refuse to disclose the personal information under subsection 14 (1) or (2) (law enforcement).

Retention of personal information

40.—(1) Personal information that has been used by an institution shall be retained after use by the institution for the period prescribed by regulation in order to ensure that the

individual to whom it relates has a reasonable opportunity to obtain access to the personal information.

Standard of accuracy

(2) The head of an institution shall take reasonable steps to ensure that personal information on the records of the institution is not used unless it is accurate and up to date.

Exception

(3) Subsection (2) does not apply to personal information collected for law enforcement purposes,

(a) where the recipient works for an institution involved in law enforcement; or

(b) where the head of the institution informs the recipient of the information that it may not be reliable.

Disposal of personal information

(4) A head shall dispose of personal information under the control of the institution in accordance with the regulations and in accordance with any directives or guidelines issued by the responsible minister.

USE AND DISCLOSURE OF PERSONAL INFORMATION

Use of personal information

41. An institution shall not use personal information in its custody or under its control except,

(a) where the person to whom the information relates has identified that information in particular and consented to its use;

(b) for the purpose for which it was obtained or compiled or for a consistent purpose; or

(c) for a purpose for which the information may be disclosed to the institution under section 42.

Where disclosure permitted

42. An institution shall not disclose personal information in its custody or under its control except,

(a) in accordance with Part II;

(b) where the person to whom the information relates has identified that information in particular and consented to its disclosure;

(c) for the purpose for which it was obtained or compiled or for a consistent purpose;

(d) where disclosure is made to an officer or employee of the institution who needs the record in the per-

formance of his or her duties and where disclosure is necessary and proper in the discharge of the institution's functions;

(e) for the purpose of complying with an Act of the Legislature or an Act of Parliament or a treaty, agreement or arrangement thereunder;

(f) where disclosure is by a law enforcement institution,

(i) to a law enforcement agency in a foreign country under an arrangement, a written agreement or treaty or legislative authority, or

(ii) to another law enforcement agency in Canada;

(g) where disclosure is to an institution or a law enforcement agency in Canada to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;

(h) in compelling circumstances affecting the health or safety of an individual if upon disclosure notification thereof is mailed to the last known address of the individual to whom the information relates;

(i) in compassionate circumstances, to facilitate contact with the next of kin or a friend of an individual who is injured, ill or deceased;

(j) to a member of the Legislative Assembly who has been authorized by a constituent to whom the information relates to make an inquiry on the constituent's behalf or, where the constituent is incapacitated, has been authorized by the next of kin or legal representative of the constituent;

(k) to a member of the bargaining agent who has been authorized by an employee to whom the information relates to make an inquiry on the employee's behalf or, where the employee is incapacitated, has been authorized by the next-of-kin or legal representative of the employee;

(l) to the Provincial Auditor;

(m) to the Ombudsman;

(n) to the responsible minister;

(o) to the Information and Privacy Commissioner;

(p) to the Government of Canada in order to facilitate the auditing of shared cost programs;

(q) to the Archives of Ontario; and

(r) to Statistics Canada.

Consistent purpose

43. Where personal information has been collected directly from the individual to whom the information relates, the purpose of a use or disclosure of that information is a consistent purpose under clauses 41 (b) and 42 (c) only if the individual might reasonably have expected such a use or disclosure.

PERSONAL INFORMATION BANKS

Personal information banks

44. A head shall cause to be included in a personal information bank all personal information under the control of the institution that is organized or intended to be retrieved by the individual's name or by an identifying number, symbol or other particular assigned to the individual.

Personal information bank index

45. The responsible minister shall publish at least once each year an index of all personal information banks setting forth, in respect of each personal information bank,

(a) its name and location;

(b) the legal authority for its establishment;

(c) the types of personal information maintained in it;

(d) the principal uses of the personal information and the typical categories of users to whom disclosures from the system are made;

(e) any other uses and purposes for which personal information in the personal information bank is used or disclosed on a regular basis;

(f) the categories of individuals for whom records are maintained in the system;

(g) the policies and practices applicable to the system with respect to storage, retrievability, access con-

trols, retention and disposal of personal information maintained in the system; and

(h) the title, business address and business telephone number of the official responsible for the operation of the personal information bank.

Retention of record of use

46.—(1) A head shall retain a record of any use by the institution of personal information contained in a personal information bank and of any use or purpose for which the information is disclosed where the use or purpose is not included in the statements of uses and purposes set forth under clauses 45 (d) and (e) and shall attach or link the record of use to the personal information.

Record of use part of personal information

(2) A record retained under subsection (1) forms part of the personal information to which it is attached or linked.

Notice and publication

(3) Where the personal information in a personal information bank under the control of an institution is used or disclosed for a use consistent with the purpose for which the information was obtained or compiled by the institution but the use is not one of the uses included under clauses 45 (d) and (e), the head shall,

(a) forthwith notify the responsible minister of the use or disclosure; and

(b) ensure that the use is included in the index.

RIGHT OF INDIVIDUAL TO WHOM PERSONAL INFORMATION RELATES TO ACCESS AND CORRECTION

Right of access to personal information

47.—(1) Every individual has a right of access to,

(a) any personal information about the individual contained in a personal information bank in the custody or under the control of an institution; and

(b) any other personal information about the individual in the custody or under the control of an institution with respect to which the individual is able to provide sufficiently specific information to render it reasonably retrievable by the institution.

Right of correction

(2) Every individual who is given access under subsection (1) to personal information is entitled to,

(a) request correction of the personal information where the individual believes there is an error or omission therein;

(b) require that a statement of disagreement be attached to the information reflecting any correction that was requested but not made; and

(c) require that any person or body to whom the personal information has been disclosed within the year before the time a correction is requested or a statement of disagreement is required be notified of the correction or statement of disagreement.

Request

48.—(1) An individual seeking access to personal information about the individual shall make a request therefor in writing to the institution that the individual believes has custody or control of the personal information and shall identify the personal information bank or otherwise identify the location of the personal information.

Access procedures

(2) Subsections 10 (2) and 24 (2) and sections 25, 26, 27, 28 and 29 apply with necessary modifications to a request made under subsection (1).

Manner of access

(3) Subject to the regulations, where an individual is to be given access to personal information requested under subsection (1), the head shall,

(a) permit the individual to examine the personal information; or

(b) provide the individual with a copy thereof.

Comprehensible form

(4) Where access to personal information is to be given, the head shall ensure that the personal information is provided to the individual in a comprehensible form and in a manner which indicates the general terms and conditions under which the personal information is stored and used.

Exemptions

49. A head may refuse to disclose to the individual to whom the information relates personal information,

(a) where section 12, 13, 14, 15, 16, 17, 18, 19, 20 or 22 would apply to the disclosure of that personal information;

(b) where the disclosure would constitute an unjustified invasion of another individual's personal privacy;

(c) that is evaluative or opinion material compiled solely for the purpose of determining suitability, eligibility or qualifications for employment or for the awarding of government contracts and other benefits where the disclosure would reveal the identity of a source who furnished information to the institution in circumstances where it may reasonably have been assumed that the identity of the source would be held in confidence;

(d) that is medical information where the disclosure could reasonably be expected to prejudice the mental or physical health of the individual;

(e) that is a correctional record where the disclosure could reasonably be expected to reveal information supplied in confidence; or

(f) that is a research or statistical record.

PART IV

APPEAL

Right to appeal

50.—(1) A person who has made a request for,

(a) access to a record under subsection 24 (1);

(b) access to personal information under subsection 48 (1); or

(c) correction of personal information under subsection 47 (2),

or a person who is given notice of a request under subsection 28 (1) may appeal any decision of a head under this Act to the Commissioner.

Time for application

(2) An appeal under subsection (1) shall be made within thirty days after the notice was given of the decision appealed from by filing with the Commissioner written notice of appeal.

Notice of application for appeal

(3) Upon receiving a notice of appeal, the Commissioner shall inform the head of the institution concerned and any other affected person of the notice of appeal.

Application of R.S.O. 1980, c. 325

(4) The *Ombudsman Act* does not apply in respect of a complaint for which an appeal is provided under this Act or to the Commissioner or the Commissioner's delegate acting under this Act.

Mediator to try to effect settlement

51. The Commissioner may authorize a mediator to investigate the circumstances of any appeal and to try to effect a settlement of the matter under appeal.

Inquiry

52.—(1) Where a settlement is not effected under section 51, the Commissioner shall conduct an inquiry to review the head's decision.

R.S.O. 1980, c. 484 not to apply

(2) The *Statutory Powers Procedure Act* does not apply to an inquiry under subsection (1).

Inquiry in private

(3) The inquiry may be conducted in private.

Powers of Commissioner

(4) In an inquiry, the Commissioner may require to be produced to the Commissioner and may examine any record that is in the custody or under the control of an institution, despite Parts II and III of this Act or any other Act or privilege, and may enter and inspect any premises occupied by an institution for the purposes of the investigation.

Record not retained by Commissioner

(5) The Commissioner shall not retain any information obtained from a record under subsection (4).

Examination on site

(6) Despite subsection (4), a head may require that the examination of a record by the Commissioner be of the original at its site.

Notice of entry

(7) Before entering any premises under subsection (4), the Commissioner shall notify the head of the institution occupying the premises of his or her purpose.

Examination under oath

(8) The Commissioner may summon and examine on oath any person who, in the Commissioner's opinion, may have information relating to the inquiry, and for that purpose the Commissioner may administer an oath.

Evidence privileged

(9) Anything said or any information supplied or any document or thing produced by a person in the course of an inquiry by the Commissioner under this Act is privileged in the same manner as if the inquiry were a proceeding in a court.

Protection

(10) Except on the trial of a person for perjury in respect of his or her sworn testimony, no statement made or answer given by that or any other person in the course of an inquiry by the Commissioner is admissible in evidence in any court or at any inquiry or in any other proceedings, and no evidence in respect of proceedings before the Commissioner shall be given against any person.

Idem under R.S.C. 1970, c. E-10

(11) A person giving a statement or answer in the course of an inquiry before the Commissioner shall be informed by the Commissioner of his or her right to object to answer any question under section 5 of the *Canada Evidence Act*.

Prosecution

(12) No person is liable to prosecution for an offence against any Act, other than this Act, by reason of his or her compliance with a requirement of the Commissioner under this section.

Representations

(13) The person who requested access to the record, the head of the institution concerned and any affected party shall be given an opportunity to make representations to the Commissioner, but no person is entitled to be present during, to have access to or to comment on representations made to the Commissioner by any other person.

Right to counsel

(14) The person who requested access to the record, the head of the institution concerned and any affected party may be represented by counsel or an agent.

Burden of proof

53. Where a head refuses access to a record or a part of a record, the burden of proof that the record or the part falls within one of the specified exemptions in this Act lies upon the head.

Order

54.—(1) After all of the evidence for an inquiry has been received, the Commissioner shall make an order disposing of the issues raised by the appeal.

Idem

(2) Where the Commissioner upholds a decision of a head that the head may refuse to disclose a record or a part of a record, the Commissioner shall not order the head to disclose the record or part.

Terms and conditions

(3) The Commissioner's order may contain any terms and conditions the Commissioner considers appropriate.

Notice of order

(4) The Commissioner shall give the appellant and the persons who received notice of the appeal under subsection 50 (3) written notice of the order.

Confidentiality

55.—(1) The Commissioner or any person acting on behalf of or under the direction of the Commissioner shall not disclose any information that comes to their knowledge in the performance of their powers, duties and functions under this Act.

Not compellable witness

(2) The Commissioner or any person acting on behalf or under the direction of the Commissioner is not compellable to

give evidence in a court or in a proceeding of a judicial nature concerning anything coming to their knowledge in the exercise or performance of a power, duty or function under this Act.

Proceedings privileged

(3) No proceeding lies against the Commissioner or against any person acting on behalf or under the direction of the Commissioner for anything done, reported or said in good faith in the course of the exercise or performance or purported exercise or performance of a power, duty or function under this Act.

Delegation by Commissioner

56.—(1) The Commissioner may in writing delegate a power or duty granted to or vested in the Commissioner to an officer or officers employed by the Commissioner, except the power to delegate under this section, subject to such limitations, restrictions, conditions and requirements as the Commissioner may set out in the delegation.

Exception re records under s. 12 or 14

(2) The Commissioner shall not delegate to a person other than the Assistant Information Commissioner or the Assistant Privacy Commissioner his or her power to require a record referred to in section 12 or 14 to be produced and examined.

PART V

GENERAL

Costs

57.—(1) Where no provision is made for a charge or fee under any other Act, a head may require the person who makes a request for access to a record or for correction of a record to pay,

(a) a search charge for every hour of manual search required in excess of two hours to locate a record;

(b) the costs of preparing the record for disclosure;

(c) computer and other costs incurred in locating, retrieving, processing and copying a record; and

(d) shipping costs.

Estimate of costs

(2) The head of an institution shall, before giving access to a record, give the person requesting access a reasonable estimate of any amount that will be required to be paid under this Act that is over $25.

Waiver of payment

(3) A head may waive the payment of all or any part of an amount required to be paid under this Act where, in the

head's opinion, it is fair and equitable to do so after considering,

(a) the extent to which the actual cost of processing, collecting and copying the record varies from the amount of the payment required by subsection (1);

(b) whether the payment will cause a financial hardship for the person requesting the record;

(c) whether dissemination of the record will benefit public health or safety;

(d) whether the record contains personal information relating to the person who requested it; and

(e) any other matter prescribed in the regulations.

Review

(4) A person who is required to pay a fee under subsection (1) may ask the Commissioner to review the head's decision to charge a fee or the amount of the fee.

Disposition of payments

(5) The costs provided in this section shall be paid and distributed in the manner prescribed in the regulations.

Annual report of Commissioner

58.—(1) The Commissioner shall make an annual report, in accordance with subsection (2), to the Speaker of the Assembly who shall cause the report to be laid before the Assembly if it is in session or, if not, at the next ensuing session.

Contents of report

(2) A report made under subsection (1) shall provide a comprehensive review of the effectiveness of this Act in providing access to information and protection of personal privacy including,

(a) a summary of the nature and ultimate resolutions of appeals carried out under subsection 50 (1);

(b) an assessment of the extent to which institutions are complying with this Act; and

(c) the Commissioner's recommendations with respect to the practices of particular institutions and with respect to proposed revisions to this Act and regulations.

Powers and duties of Commissioner

59. The Commissioner may,

(a) offer comment on the privacy protection implications of proposed legislative schemes or government programs;

(b) after hearing the head, order an institution to,

(i) cease a collection practice, and

(ii) destroy collections of personal information,

that contravene this Act;

(c) in appropriate circumstances, authorize the collection of personal information otherwise than directly from the individual;

(d) engage in or commission research into matters affecting the carrying out of the purposes of this Act;

(e) conduct public education programs and provide information concerning this Act and the Commissioner's role and activities; and

(f) receive representations from the public concerning the operation of this Act.

Regulations

60. The Lieutenant Governor in Council may make regulations,

(a) respecting the procedures for access to original records under section 30;

(b) respecting the procedures for access to personal information under subsection 48 (3);

(c) prescribing the circumstances under which records capable of being produced from machine readable records are not included in the definition of "record" for the purposes of this Act;

(d) setting standards for and requiring administrative, technical and physical safeguards to ensure the security and confidentiality of records and personal information under the control of institutions;

(e) setting standards for the accuracy and completeness of personal information that is under the control of an institution;

(f) prescribing time periods for the purposes of subsection 40 (1);

(g) prescribing the payment and allocation of fees received under section 57;

(h) prescribing matters to be considered in determining whether to waive all or part of the costs required under section 57;

(i) designating any agency, board, commission, corporation or other body as an institution and designating a head for each such institution;

(j) prescribing forms and providing for their use;

(k) respecting any matter the Lieutenant Governor in Council considers necessary to carry out effectively the purposes of this Act.

Offences

61.—(1) No person shall,

(a) wilfully disclose personal information in contravention of this Act;

(b) wilfully maintain a personal information bank that contravenes this Act;

(c) make a request under this Act for access to or correction of personal information under false pretenses;

(d) wilfully obstruct the Commissioner in the performance of his or her functions under this Act;

(e) wilfully make a false statement to, mislead or attempt to mislead the Commissioner in the performance of his or her functions under this Act; or

(f) wilfully fail to comply with an order of the Commissioner.

Penalty

(2) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine not exceeding $5,000.

Consent of Attorney General

(3) A prosecution shall not be commenced under clause (1) (d), (e) or (f) without the consent of the Attorney General.

Delegation of head's powers

62.—(1) A head may in writing delegate a power or duty granted or vested in the head to an officer or officers of the institution subject to such limitations, restrictions, conditions and requirements as the head may set out in the delegation.

Protection from civil proceeding

(2) No action or other proceeding lies against a head, or against a person acting on behalf or under the direction of the head, for damages resulting from the disclosure or non-disclosure in good faith of a record or any part of a record under this Act, or from the failure to give a notice required under this Act if reasonable care is taken to give the required notice.

Vicarious liability of Crown preserved
R.S.O. 1980, c. 393

(3) Subsection (2) does not by reason of subsections 5 (2) and (4) of the *Proceedings Against the Crown Act* relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (2) to which it would otherwise be subject, and the Crown is liable under that Act for any such tort in a like manner as if subsection (2) had not been enacted.

Vicarious liability of certain institutions preserved

(4) Subsection (2) does not relieve an institution of liability in respect of a tort committed by a person mentioned in subsection (2) to which it would otherwise be subject and the institution is liable for any such tort in a like manner as if subsection (2) had not been enacted.

Oral requests

63.—(1) Where a head may give access to information under this Act, nothing in this Act prevents the head from giving access to that information in response to an oral request or in the absence of a request.

Pre-existing access preserved

(2) This Act shall not be applied to preclude access to information that is not personal information and to which access by the public was available by custom or practice immediately before this Act comes into force.

Crown privilege

64.—(1) This Act does not impose any limitation on the information otherwise available by law to a party to litigation.

Powers of courts and tribunals

(2) This Act does not affect the power of a court or a tribunal to compel a witness to testify or compel the production of a document.

Application of Act

65.—(1) This Act does not apply to records placed in the Archives of Ontario by or on behalf of a person or organization other than an institution.

Idem

(2) This Act does not apply to a record in respect of a patient in a psychiatric facility as defined by clause 1 (p) of the *Mental Health Act*, where the record,

R.S.O. 1980, c. 262

(a) is a clinical record as defined by clause 29 (1) (a) of the *Mental Health Act*; or R.S.O. 1980, c. 262

(b) contains information in respect of the history, assessment, diagnosis, observation, examination, care or treatment of the patient.

(3) This Act does not apply to notes prepared by or for a person presiding in a proceeding in a court of Ontario if those notes are prepared for that person's personal use in connection with the proceeding. Idem

66. Any right or power conferred on an individual by this Act may be exercised, Exercise of rights of deceased, etc., persons

(a) where the individual is deceased, by the individual's personal representative if exercise of the right or power relates to the administration of the individual's estate;

(b) where a committee has been appointed for the individual or where the Public Trustee has become the individual's committee, by the committee; and

(c) where the individual is less than sixteen years of age, by a person who has lawful custody of the individual.

67.—(1) The Standing Committee on the Legislative Assembly shall undertake a comprehensive review of all confidentiality provisions contained in Acts in existence on the day this Act comes into force and shall make recommendations to the Legislative Assembly regarding, Review of other Acts

(a) the repeal of unnecessary or inconsistent provisions; and

(b) the amendment of provisions that are inconsistent with this Act.

(2) This Act prevails over a confidentiality provision in any other Act unless the other Act specifically provides otherwise. Other Acts

(3) Subsection (2) shall not have effect until two years after this section comes into force. Idem

68. The Standing Committee on the Legislative Assembly shall, within three years after proclamation of this Act, undertake a comprehensive review of this Act and shall, within one Review of this Act

year after beginning that review, make recommendations to the Legislative Assembly regarding amendments to this Act.

69. Subsection 10 (1) of the *Public Service Act*, being chapter 418 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1986, chapter 64, section 59, is further amended by inserting after "legally" in the third line of the form of oath contained therein "authorized or".

Application

70. This Act applies to any record in the custody or under the control of an institution regardless of whether it was recorded before or after this Act comes into force.

Crown bound

71. This Act binds the Crown.

Commencement

72. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor, or on the 1st day of January, 1988, whichever comes first.

Short title

73. The short title of this Act is the *Freedom of Information and Protection of Privacy Act, 1987*.

CHAPTER 26

An Act to amend the Retail Sales Tax Act

Assented to June 29th, 1987

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 1 of subsection 5 (1) of the *Retail Sales Tax Act*, being chapter 454 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1986, chapter 1, section 3 and amended by 1986, chapter 66, section 4, is further amended by,

(a) striking out "two dollars" in the seventh line of clause (a) and inserting in lieu thereof "four dollars"; and

(b) striking out "two dollars" in the third line of clause (b) and inserting in lieu thereof "four dollars".

(2) Paragraph 38 of the said subsection 5 (1), as re-enacted by the Statutes of Ontario, 1982, chapter 36, section 3 and amended by 1983, chapter 27, section 4, is further amended by striking out "physically handicapped" in the second line and inserting in lieu thereof "persons with a physical disability".

2. Subsection 16 (5) of the said Act is amended by inserting after "mail" in the first line "or personal service".

3. Subsection 16a (1) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 27, section 7, is amended by inserting after "30 (1)" in the second line "(1a)".

4. Subsection 17 (5) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 27, section 8, is further amended by striking out "at a sale in Ontario" in the first line.

5. Subsection 18 (1) of the said Act is amended by inserting after "mailing" in the second line "or personal service".

6.—(1) Subsection 30 (1) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 27, section 10, is further amended by striking out "or who fails to remit with his return the amount of taxes collectable or payable by him as shown therein" in the second, third and fourth lines.

(2) Section 30 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 27, section 10, is further amended by adding thereto the following subsection:

Penalty for default in remitting tax

(1a) Every vendor who fails to remit with his or her return the amount of taxes collectable or payable by the vendor as shown therein, shall pay a penalty of,

(a) an amount equal to 10 per cent of the tax he or she failed to remit if the amount of such tax is less than $10,000; or

(b) $1,000, if the amount of such tax is $10,000 or more.

Commencement

7.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 1st day of June, 1987.

Short title

8. The short title of this Act is the *Retail Sales Tax Amendment Act, 1987*.

CHAPTER 27

An Act to amend the Income Tax Act

Assented to June 29th, 1987

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2b of the *Income Tax Act*, being chapter 213 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1986, chapter 40, section 1, is amended by striking out "but for section 120.1 of the Federal Act" in the fifth and sixth lines.

2. Clause 3 (8) (a) of the said Act is amended by inserting after "126 (1)" in the fifth line "or subsection 180.1 (1.1)".

3. Subsection 6 (3) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 13, section 2, is repealed and the following substituted therefor:

(3) This section does not apply to an individual for a taxation year for which the individual's tax payable under Part I of the Federal Act is determined under DIVISION E.1 of that Part. Non-application of section

4.—(1) Subclause 7 (1) (f) (vii) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 13, section 3, is repealed.

(2) Clauses 7 (1) (g), (h), (i) and (j) of the said Act are repealed and the following substituted therefor:

(g) "recorded agent" means a person on record with the Commission on Election Finances as being authorized to accept contributions on behalf of a political party, constituency association or candidate registered under the *Election Finances Act, 1986*; 1986, c. 33

(h) "registered candidate" with respect to an election of a member or members to serve in the Assembly, means a person who has been registered as a candidate for such election by the Commission on Elec-

tion Finances and whose name has not been deleted from the register of candidates maintained by the Commission with respect to such election;

(i) "registered constituency association" means a registered constituency association within the meaning given to that expression by the *Election Finances Act, 1986*;

1986, c. 33

(j) "registered party" means a registered party within the meaning given to that expression by the *Election Finances Act, 1986*.

(3) Subclause 7 (2) (a) (i) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 13, section 3, is amended by striking out "$180" in the second line and inserting in lieu thereof "$230".

(4) Subclause 7 (2) (b) (i) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 13, section 3, is amended by striking out "(v) or (vii)" in the fourth line and inserting in lieu thereof "or (v)".

5. Subsection 12 (3) of the *Income Tax Amendment Act, 1985*, being chapter 12, is repealed and the following substituted therefor:

Commencement and application

(3) Section 1 and subsection 2 (3) come into force on the 1st day of January, 1986 and apply to the 1986 and subsequent taxation years.

Commencement

6.—(1) This Act, except sections 1, 2 and 3, subsections 4 (1), (3) and (4) and section 5, comes into force on the day it receives Royal Assent.

Idem

(2) Section 2 shall be deemed to have come into force on the 1st day of January, 1987, and applies to the 1987 and subsequent taxation years.

Idem

(3) Sections 1 and 3 and subsections 4 (1), (3) and (4) shall be deemed to have come into force on the 1st day of January, 1987.

Idem

(4) Section 5 shall be deemed to have come into force on the 1st day of January, 1986.

Short title

7. The short title of this Act is the *Income Tax Amendment Act, 1987*.

CHAPTER 28

An Act to amend the Beef Cattle Marketing Act

Assented to June 29th, 1987

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 3 (3), (4) and (5) of the *Beef Cattle Marketing Act*, being chapter 41 of the Revised Statutes of Ontario, 1980, are repealed.

2.—(1) Subsection 5 (1) of the said Act is amended by adding thereto the following clauses:

(da) requiring any person who receives cattle from a seller thereof to furnish to an association information relating to the sale of the cattle, including the name of the seller, the number of head sold, the class of cattle and the sale price;

(db) governing the security and confidentiality of information referred to in clause (da).

(2) Clause 5 (1) (f) of the said Act is repealed.

Pending applications for refunds

3. Subsections 3 (3), (4) and (5) and the regulations made under clause 5 (1) (f) of the *Beef Cattle Marketing Act*, as those provisions read immediately before their repeal by section 1 and subsection 2 (2) of this Act, continue to apply in respect of an application for a refund of any licence fees paid by a person that is received by an association in respect of cattle sold before the day this Act comes into force.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Beef Cattle Marketing Amendment Act, 1987*.

CHAPTER 29

An Act to amend the Occupational Health and Safety Act

Assented to June 29th, 1987

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of the *Occupational Health and Safety Act*, being chapter 321 of the Revised Statutes of Ontario, 1980, as amended by the statutes of Ontario, 1986, chapter 64, section 44, is further amended by adding thereto the following paragraphs:

10a. "hazardous material" means a biological or chemical agent named or described in the regulations as a hazardous material;

10b. "hazardous physical agent" means a physical agent named or described in the regulations as a hazardous physical agent.

2. Subsection 14 (2) of the said Act is amended by adding thereto the following clause:

(aa) in a medical emergency for the purpose of diagnosis or treatment, provide, upon request, information in the possession of the employer, including confidential business information, to a legally qualified medical practitioner and to such other persons as may be prescribed.

3. Part IV of the said Act is amended by adding thereto the following sections:

Hazardous materials inventory

22a.—(1) An employer shall make or cause to be made and shall maintain an inventory of all hazardous materials and all hazardous physical agents that are present in the work place.

Idem

(2) The inventory required by subsection (1),

(a) shall contain such information as may be prescribed; and

(b) shall be prepared in consultation with the committee or health and safety representative, if any, for the work place or with a worker selected by the workers to represent them, if there is no committee or health and safety representative.

Idem

(3) Where an inventory required by subsection (1) is amended during a year, the employer, not later than the 1st day of February in the following year, shall prepare a revised version of the inventory incorporating all changes made during the preceding year.

Identification of ingredients

(4) Where, under the regulations, an employer is required to identify or obtain the identity of the ingredients of a hazardous material, the employer is not in contravention of the regulations if the employer has made every effort reasonable in the circumstances to identify or obtain the identity of the ingredients.

Idem

(5) An employer shall advise a Director in writing if, after making reasonable efforts, the employer is unable to identify or obtain the identity of the ingredients of a hazardous material as required by the regulations.

Exception

(6) Except as may be prescribed, subsection (1) does not apply to an employer who undertakes to perform work or supply services on a project in respect of materials to be used on the project.

Floor plans

(7) The employer shall provide a Director and any other prescribed agencies with a floor plan of the work place showing the names of all hazardous materials and their location.

Hazardous material, labels and data sheets

22b.—(1) An employer shall ensure that,

(a) every container present in the work place that contains hazardous material is and remains labelled in the prescribed manner;

(b) an unexpired material safety data sheet, containing such information and in such form as may be prescribed, is obtained or prepared by the employer; and

(c) labels and material safety data sheets required by clauses (a) and (b) are available in English and such other language or languages as may be prescribed.

Prohibition

(2) No person shall remove, alter or deface a label described in clause (1) (a) that is on a container.

Idem

(3) An employer shall ensure that a hazardous material is not used at a work place unless the prescribed requirements concerning labelling, material safety data sheets and worker instruction and training have been complied with.

Notice to Director

(4) An employer shall advise a Director in writing if the employer, after making reasonable efforts, is unable to obtain a label or material safety data sheet required by subsection (1).

Expiry of material safety data sheet

(5) A material safety data sheet expires three years after the date of its publication.

Inventory and material safety data sheets to be made available

22c.—(1) A copy of the most recent version of the inventory and of every unexpired material safety data sheet required by this Part in respect of hazardous materials in a work place shall be,

(a) made available by the employer in the work place in such a manner as to allow examination by the workers;

(b) furnished by the employer to the committee or health and safety representative, if any, for the work place or to a worker selected by the workers to represent them, if there is no committee or health and safety representative;

(c) furnished by the employer to the medical officer of health of the health unit in which the work place is located;

(d) furnished by the employer to the fire department which serves the location in which the work place is located; and

(e) filed by the employer with a Director.

Public access

(2) The medical officer of health, at the request of any person, shall request an employer to furnish a copy of the most recent version of the inventory or of an unexpired material safety data sheet, as the case may be.

Idem

(3) At the request of any person, the medical officer of health shall make available to the person for inspection a copy of any inventory or material safety data sheet requested by

the person and in the possession of the medical officer of health.

Idem

(4) A medical officer of health shall not disclose the name of any person who makes a request under subsection (2) or (3).

Additional requirement

(5) In addition to the requirements imposed under subsection (1), a copy of every material safety data sheet required by subsection (1) shall be made available by the employer in the work place in such a manner that it is readily accessible by all workers who may be exposed to the hazardous material to which it relates.

Time for compliance

(6) The Lieutenant Governor in Council may by regulation establish dates by which employers in any industry or class of industry must provide inventories or inventories and material safety data sheets under clauses (1) (c), (d) and (e) and an employer to whom the regulation applies shall have until that date to comply with those clauses unless the medical officer of health, the fire department or a Director requests the employer to provide a copy of the most recent version of the inventory or of an unexpired material safety data sheet.

Assessment for hazardous materials

22d.—(1) Where so prescribed, an employer shall assess all biological and chemical agents produced in the work place for use therein to determine if they are hazardous materials.

Assessments to be made available

(2) The assessment required by subsection (1) shall be in writing and a copy of it shall be,

(a) made available by the employer in the work place in such a manner as to allow examination by the workers;

(b) furnished by the employer to the committee or health and safety representative, if any, for the work place or to a worker selected by the workers to represent them, if there is no committee or health and safety representative.

Confidential business information

22e.—(1) Where, but for this section, an employer would be required under this Part to disclose information that the employer considers to be confidential business information in an inventory, label or material safety data sheet, the employer may, in accordance with the regulations, file a claim with the claims board for an exemption from the requirements.

Determination of claim

(2) The claims board, in accordance with its procedures, shall determine the validity of every claim filed under subsection (1).

Appeal

(3) The employer or any worker of the employer or any trade union representing the workers of the employer may, in accordance with the regulations, appeal a determination made under subsection (2).

Determination of claim

(4) The claims board, in accordance with its procedures, shall determine every appeal under subsection (3).

Effect of claim

(5) Information that an employer considers to be confidential business information is exempt from disclosure from the time a claim is filed under subsection (1) until the claim is finally determined and thereafter, if the claim is found to be valid.

Federal agency

(6) Where the Parliament of Canada establishes an agency that has the power to determine whether information related to any hazardous material is confidential business information, the Lieutenant Governor in Council may by regulation name that agency as the claims board and adopt its procedures for the purposes of this section.

Definition

(7) In this section, "claims board" means an agency designated by the regulations as the claims board.

Hazardous physical agents

22f.—(1) A person who distributes or supplies, directly or indirectly, or manufactures, produces or designs a thing for use in a work place that causes, emits or produces a hazardous physical agent when the thing is in use or operation shall ensure that such information as may be prescribed is readily available respecting the hazardous physical agent and the proper use or operation of the thing.

Duty of employer

(2) Where an employer has a thing described in subsection (1) in the work place, the employer shall ensure that the information referred to in that subsection has been obtained and is,

(a) made available in the work place for workers who use or operate the thing or who are likely to be exposed to the hazardous physical agent; and

(b) furnished by the employer to the committee or health and safety representative, if any, for the work place or a worker selected by the workers to represent them, if there is no committee or health and safety representative.

Notices

(3) An employer to whom subsection (2) applies shall post prominent notices identifying and warning of the hazardous physical agent in the part of the work place in which the thing is used or operated or is to be used or operated.

Idem

(4) Notices required by subsection (3) shall contain such information as may be prescribed and shall be in English and such other language or languages as may be prescribed.

Instruction and training

22g.—(1) In addition to providing information and instruction to a worker as required by clause 14 (2) (a), an employer shall ensure that a worker exposed or likely to be exposed to a hazardous material or to a hazardous physical agent receives, and that the worker participates in, such instruction and training as may be prescribed.

Consultation

(2) The instruction and training to be given under subsection (1) shall be developed by the employer in consultation with the committee or health and safety representative, if any, for the work place.

Review

(3) An employer shall review, in consultation with the committee or health and safety representative, if any, for the work place, the training and instruction provided to a worker and the worker's familiarity therewith at least annually.

Idem

(4) The review described in subsection (3) shall be held more frequently than annually, if,

(a) the employer, on the advice of the committee or health and safety representative, if any, for the work place, determines that such reviews are necessary; or

(b) there is a change in circumstances that may affect the health or safety of a worker.

4. Clause 28 (1) (l) of the said Act, exclusive of the subclauses, is repealed and the following substituted therefor:

(l) require in writing, within such time as is specified, a person who is an employer, manufacturer, producer, importer, distributor or supplier to produce records or information, or to provide, at the expense of the person, a report or evaluation made or to be made by a person or organization having special, expert or professional knowledge or qualifications as are specified by the inspector of any process or biological, chemical or physical agents or combina-

tion of such agents present, used or intended for use in a work place and the manner of use, including,

. . . . .

5. Section 29 of the said Act is amended by adding thereto the following subsection:

Additional orders

(4a) In addition to the orders that may be made under subsection (4), where an inspector makes an order under subsection (1) for a contravention of section 22b or 22f or a Director has been advised of an employer's inability to obtain an unexpired material safety data sheet, the inspector may order that the hazardous material shall not be used or that the thing that causes, emits or produces the hazardous physical agent not be used or operated until the order is withdrawn or cancelled.

6. Section 34 of the said Act is amended by adding thereto the following subsection:

Medical emergencies

(4) Subsection (1) does not apply so as to prevent any person from providing any information in the possession of the person, including confidential business information, in a medical emergency for the purpose of diagnosis or treatment.

7. Subsection 41 (2) of the said Act is amended by striking out "and" at the end of paragraph 22 and by adding thereto the following paragraph:

24. prescribing by name or description any biological or chemical agent as a hazardous material and any physical agent as a hazardous physical agent.

8. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commencement

9. The short title of this Act is the *Occupational Health and Safety Amendment Act, 1987*.

Short title

CHAPTER 30

An Act to amend the Employment Standards Act

Assented to June 29th, 1987

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause 1 (d) of the *Employment Standards Act*, being chapter 137 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(d) "employer" includes,

(i) any owner, proprietor, manager, superintendent, overseer, receiver or trustee of any activity, business, work, trade, occupation, profession, project or undertaking who has control or direction of, or is directly or indirectly responsible for the employment of a person therein, and

(ii) any associated or related corporations, individuals, firms, syndicates or associations treated as one employer under section 12, where any one has control or direction of, or is directly or indirectly responsible for the employment of a person therein,

and includes a person who was an employer.

(2) Section 1 of the said Act, as amended by the Statutes of Ontario, 1986, chapter 51, section 1, is further amended by adding thereto the following clauses:

(fa) "establishment" means a location at which the employer carries on business, but where the employer carries on business at more than one location, separate locations constitute one establishment if,

(i) the separate locations are located within the same municipality, or

(ii) one or more employees at a location have seniority rights that extend to the other location by virtue of a collective agreement or written contract of employment whereby the employee or employees may displace another employee of the same employer;

. . . . .

(ja) "payroll" means, in respect of an employer, the greater of,

(i) the wages earned by employees in the twelve-month period ending the last day of the last fiscal year established by the employer that ended prior to the termination of an employee's employment,

(ii) the wages earned by employees in the twelve-month period ending on the last day of the second last fiscal year established by the employer that ended prior to the termination of an employee's employment, or

(iii) the wages earned by employees in the four weeks that ended with the last day of the last pay period completed prior to the termination of an employee's employment, multiplied by 13;

. . . . .

(ka) "prescribed" means prescribed by the regulations;

. . . . .

(nb) "statutory notice period" means,

(i) the period of notice required to be given by an employer under section 40, or

(ii) where the employer provides a greater amount of notice than is required by section 40, that part of the notice period ending with the termination date specified in the notice which equals the notice period required under section 40;

. . . . .

(oa) "trade union" means an organization which is,

(i) a "trade union" as defined in the *Labour Relations Act*, R.S.O. 1980, c. 228

(ii) an "affiliate" or "branch affiliate" as defined in the *School Boards and Teachers Collective Negotiations Act*, R.S.O. 1980, c. 464

(iii) a bargaining committee of the full time fire fighters under the *Fire Departments Act*, R.S.O. 1980, c. 164

(iv) an "employee organization" as defined in the *Colleges Collective Bargaining Act* which holds bargaining rights as bargaining agent, R.S.O. 1980, c. 74

(v) a "bargaining agent" as defined in the *Crown Employees Collective Bargaining Act*. R.S.O. 1980, c. 108

2. Section 6 of the said Act is amended by adding thereto the following subsection:

(2) Where an employee initiates a civil proceeding against his or her employer under this Act, notice of the proceeding shall be served on the Director in the prescribed form on the same date the civil proceeding is set down for trial. Notice of proceeding to be given to Director

3.—(1) Subsection 12 (1) of the said Act is repealed and the following substituted therefor:

(1) Where before or after this Act comes into force, associated or related activities, businesses, works, trades, occupations, professions, projects or undertakings are or were carried on by or through more than one corporation, individual, firm, syndicate or association, or any combination thereof, and a person is or was an employee of any of such corporations, individuals, firms, syndicates or associations, or any combination thereof, such corporations, individuals, firms, syndicates or associations, or any combination thereof, shall be treated as one employer for the purposes of this Act, if the intent or effect of the arrangement is to defeat, either directly or indirectly, the true intent and purpose of this Act. Related activities, etc., may be treated as one employer

(2) Subsection 12 (2) of the said Act is amended by striking out "individually" in the second line and inserting in lieu thereof "jointly and severally".

4.—(1) Subsection 40 (1) of the said Act is repealed and the following substituted therefor:

Notice of termination

(1) No employer shall terminate the employment of an employee who has been employed for three months or more unless the employer gives,

(a) one weeks notice in writing to the employee if his or her period of employment is less than one year;

(b) two weeks notice in writing to the employee if his or her period of employment is one year or more but less than three years;

(c) three weeks notice in writing to the employee if his or her period of employment is three years or more but less than four years;

(d) four weeks notice in writing to the employee if his or her period of employment is four years or more but less than five years;

(e) five weeks notice in writing to the employee if his or her period of employment is five years or more but less than six years;

(f) six weeks notice in writing to the employee if his or her period of employment is six years or more but less than seven years;

(g) seven weeks notice in writing to the employee if his or her period of employment is seven years or more but less than eight years;

(h) eight weeks notice in writing to the employee if his or her period of employment is eight years or more,

and such notice has expired.

Set page note.

(2) Section 40 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 22, section 1, is further amended by adding thereto the following subsections:

Information to be given

(2a) Where so prescribed, an employer who is required to give notice by subsection (2),

(a) shall provide to the Minister, in the prescribed form, such information as may be prescribed; and

(b) shall, on the first day of the statutory notice period, post in the employer's establishment, in the prescribed form, such information as may be prescribed.

(2b) The employer shall post the information required by clause (2a) (b) in one or more conspicuous places in the employer's establishment where it is most likely to come to the attention of the affected employees and the employer shall keep the information posted throughout the statutory notice period. Posting

(2c) The information required under subsection (2a) may include, Idem

(a) the economic circumstances surrounding the intended terminations;

(b) any consultations which have been or are proposed to take place with local communities or with the affected employees or their agent in connection with the terminations;

(c) proposed adjustment measures and the number of employees expected to benefit from each; and

(d) a statistical profile of the affected employees.

(2d) Notwithstanding subsection (2), the notice required under subsection (2) shall be deemed not to have been given until the date the completed form required under clause (2a) (a) is received by the Minister. When notice is effective

(2e) The Minister shall cause every form received in his or her office under clause (2a) (a) to be endorsed with a memorandum of the date of its receipt. Memorandum of date form received

(2f) Where the completed form required under clause (2a) (a) has been received, the Minister shall cause a notice to that effect to be sent to the employer within two business days of such receipt. Notice to employer

(2g) A copy of the memorandum referred to in subsection (2e) purporting to be certified by the Minister is, without proof of the signature of the Minister, evidence of the date the form was received. Statement by Minister as to time

(3) The said section 40 is further amended by adding thereto the following subsections:

(10) If an employee is temporarily laid off, as defined in the regulations, and the lay-off commences on or after the 15th day of June, 1987 and equals or exceeds thirty-five weeks in any period of fifty-two consecutive weeks, the employee shall be deemed no longer to be temporarily laid off and, if Entitlement to termination pay

the employee has not been given notice of termination in accordance with this section, the employee is entitled to termination pay.

Application by trade union

(11) Where an employee may be entitled to termination pay under subsection (10) is represented by a trade union, the trade union may apply to the Director in writing to extend the periods specified in subsection (10) and if the application is approved by the Director, subsection (10) shall be read as if such longer periods were specified.

Election by employee

(12) An employee who is entitled to termination pay under subsection (10) and who has a right to be recalled for employment under the terms and conditions of employment may elect to be paid the termination pay forthwith or may elect to retain the right to be recalled.

Idem

(13) Where an employee elects under subsection (12) to be paid the termination pay forthwith, the employee shall be deemed to have abandoned the right to be recalled.

Where no election made

(14) Where an employee entitled to make an election under subsection (12) elects to maintain the right to be recalled or fails to make an election, the employer shall pay the termination pay to the Director in trust to be paid by the Director,

(a) to the employer, where the employee accepts employment made available under the right of recall and in such case the employee shall be deemed to have abandoned the right to termination pay; or

(b) to the employee in any case other than a case mentioned in clause (a) including the case where the employee renounces the right to be recalled and, upon payment, the employee shall be deemed to have abandoned the right to be recalled.

5.—(1) Subsection 40a (1) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 22, section 2, is repealed and the following substituted therefor:

Definitions

(1) In this section,

"lay-off" means a period of at least one week in which an employee receives less than one-quarter of the wages he or she would earn at his or her regular rate in a regular non-overtime work week unless the employee,

(a) was not able to work or not available for work,

(b) was subject to disciplinary suspension, or

(c) was not provided with work by his or her employer by reason of any strike or lock-out occurring at his or her place of employment or elsewhere;

"termination" means,

(a) a dismissal, including a constructive dismissal,

(b) a lay-off that is effected because of a permanent discontinuance of all of the employer's business at an establishment, or

(c) a lay-off, including a lay-off effected because of a permanent discontinuance of part of the business of the employer at an establishment, commencing on or after the 15th day of June, 1987 that equals or exceeds thirty-five weeks in any period of fifty-two consecutive weeks,

and "terminated" has a corresponding meaning.

Severance pay

(1a) Where,

(a) fifty or more employees have their employment terminated by an employer in a period of six months or less and the terminations are caused by the permanent discontinuance of all or part of the business of the employer at an establishment; or

(b) one or more employees have their employment terminated by an employer with a payroll of $2.5 million or more,

the employer shall pay severance pay to each employee whose employment has been terminated and who has been employed by the employer for five or more years.

Where location deemed an establishment

(1b) Where,

(a) there is a permanent discontinuance of all or part of the business of an employer at a location which is part of an establishment consisting of two or more locations; and

(b) fifty or more employees have their employment terminated in a period of six months or less because of the permanent discontinuance,

the location shall be deemed to be an establishment for the purpose of determining the rights of the employees employed at that location under this section.

Amount of severance pay

(1c) The severance pay to which an employee is entitled under this section shall be in an amount equal to the employee's regular wages for a regular non-overtime work week multiplied by the sum of,

(a) the number of the employee's completed years of employment; and

(b) the number of the employee's completed months of employment divided by 12,

but shall not exceed twenty-six weeks regular wages for a regular non-overtime work week.

(2) Subsection 40a (2) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 22, section 2, is amended by,

(a) striking out "Subsection (1) applies" in the first line and inserting in lieu thereof "Subsections (1a), (1b) and (1c) apply"; and

(b) striking out clause (c) and substituting the following therefor:

(c) an employee who is absent because of illness or injury, if the employee's contract of employment has not become impossible of performance or been frustrated by that illness or injury.

(3) Subsection 40a (3) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 22, section 2 and amended by the Statutes of Ontario, 1984, chapter 31, section 1, is further amended by,

(a) striking out "Subsection (1) does" in the first line and inserting in lieu thereof "Subsections (1a), (1b) and (1c) do"; and

(b) adding thereto the following clause:

(c) an employee who has been guilty of wilful misconduct or disobedience or wilful neglect of duty that has not been condoned by the employer.

(4) Subsection 40a (9) of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 31, section 1, is repealed and the following substituted therefor:

Effect of election to maintain right to recall

(9) Where the employee elects to maintain the right to be recalled or fails to make an election, the employer shall pay the severance pay to the Director in trust to be paid by the Director,

(a) to the employer, where the employee accepts employment made available under the right of recall and in such case the employee shall be deemed to have abandoned the right to severance pay; or

(b) to the employee in any case other than a case mentioned in clause (a), including the case where the employee renounces the right to be recalled, and, upon payment, the employee shall be deemed to have abandoned the right to be recalled.

(5) Section 40a of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 22, section 2 and amended by 1984, chapter 31, section 1, is further amended by adding thereto the following subsections:

Where employee resigns

(10) Where an employee who receives notice of termination on or after the 15th day of June, 1987 resigns from employment during the statutory notice period and provides the employer with at least two weeks written notice of resignation, the employee shall,

(a) where the employee has been given notice of termination because of the permanent discontinuance of all of the employer's business at an establishment, be deemed to have had his or her employment terminated by the employer on the date the notice of termination was to have taken effect; and

(b) in any other case, be deemed to have been laid off by the employer commencing on the date the notice of termination was to have taken effect.

Calculation of severance pay

(11) The amount of severance pay for an employee who is entitled to severance pay under subsection (10) shall be calculated on the employee's length of employment up to the date on which his or her notice of resignation takes effect.

Instalment payments

(12) Notwithstanding subsections (1a) and (9) and section 7, where the Minister so recommends, the Director may, on

an application by the employer, approve the employer's plan to pay severance pay by instalment and, where such approval has been given, the employer shall be deemed to have complied with subsections (1a) and (9) and section 7.

Where employer fails to comply with plan

(13) Where an employer fails to comply with the approved plan and the Director does not approve another instalment plan within thirty days of such failure, all unpaid severance pay shall be deemed to have become due and payable on the date the Director approved the original instalment plan.

Maximum period for payment of instalments

(14) No instalment plan shall extend payment of severance pay for a period longer than three years from the date on which such severance pay became due and payable.

Where agreements made by trade union

(15) Notwithstanding section 3, where an employee who is entitled to severance pay under this section is represented by a trade union, the trade union may enter into an agreement with the employer which includes a settlement of all severance pay claims, in which case this section does not apply.

Director to be notified

(16) The parties to an agreement under subsection (15) shall forthwith notify the Director in writing.

Proceedings terminated

(17) Where there is an agreement under subsection (15), any proceeding under section 50 or 51 to determine severance pay is terminated with regard to the employees represented by the trade union.

6. Section 51a of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 31, section 2, is amended by adding thereto the following subsection:

Interest on trust moneys

(3) Where under this Act the Director is required to hold moneys in trust, the Director shall pay interest to the person entitled to receive such moneys at the prescribed rate of interest.

7. Subsection 65 (1) of the said Act is amended by adding thereto the following clauses:

(ta) prescribing rules for determining whether the termination of an employee who is not entitled to severance pay shall be taken into account in determining whether fifty or more employees have had their employment terminated in a period of six months or less, and whether the wages of an employee who is not entitled to severance pay shall be taken into account in determining the payroll of an employer;

(tb) providing for the exclusion of weeks from the period of fifty-two consecutive weeks mentioned in the definition of "termination" in subsection 40a (1);

(tc) prescribing forms and providing for their use;

(td) defining any word or expression used in this Act that is not defined in this Act;

(te) prescribing the manner in which information is to be given to the Minister under subsection 40 (2a);

(tf) prescribing anything that by this Act is to be or may be prescribed.

Commencement

8.—(1) This Act, except section 2, subsection 4 (2) and section 6, shall be deemed to have come into force on the 15th day of June, 1987.

Idem

(2) Section 2, subsection 4 (2) and section 6 come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

9. The short title of this Act is the *Employment Standards Amendment Act, 1987*.

CHAPTER 31

An Act to revise the Bees Act

Assented to June 29th, 1987

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Definitions

"apiary" means a place where bees and beekeeping equipment of a beekeeper are located;

"beekeeper" means a person who owns or is in possession of bees or beekeeping equipment, but does not include a person who is in possession of new beekeeping equipment for the purpose of transportation, distribution or sale or who is a manufacturer of beekeeping equipment;

"beekeeping equipment" means hives, parts of hives and utensils used in the keeping of bees;

"bees" means the insects known as *Apis mellifera*;

"bees-wax refuse" means damaged honeycombs, honeycomb cappings or the material remaining after the first rendering of used honeycombs or honeycomb cappings;

"Director" means the Director appointed under this Act;

"disease" means,

(a) American foul brood, being the disease of the larvae and pupae of bees caused by organisms known as *Bacillus larvae*,

(b) European foul brood, being the disease of the larvae and pupae of bees caused by organisms known as *Bacillus pluton* or *Bacillus alvei*, and

(c) any disease designated by the regulations as a disease within the meaning of this Act;

"infected" means infected with the causal organisms of a disease;

"inspector" means an inspector appointed under this Act;

"Minister" means the Minister of Agriculture and Food;

"package bees" means bees placed in a screened cage or package without honeycombs for the purpose of being shipped;

"pest" means both of the subspecies of bees known as *Apis mellifera scutella* and *Apis mellifera adonsonii* and such other insect or parasite as is designated by the regulations to be a pest within the meaning of this Act;

"regulations" means the regulations made under this Act.

Bees in hive private property

2. Bees reared and kept in hives are private property.

Right of owner to pursue and recover swarm

3.—(1) Subject to subsections (2), (3) and (4), where a swarm of bees leaves a hive, the owner of the swarm may enter upon the premises of any person and recover the swarm.

Where owner declines to pursue swarm

(2) Where the owner of a swarm of bees that leaves its hive declines to pursue it and another person takes up the pursuit, such other person is subrogated to all the rights of the owner in respect of the swarm.

Owner of premises to be notified

(3) Where the right to recover a swarm of bees is claimed under subsection (1) or (2), the person claiming the swarm shall notify the owner of the premises on which the swarm has settled before entering the premises and shall compensate the owner for any damage to the premises caused by the entry.

When right of property in swarm lost

(4) Where a swarm of bees leaves a hive and settles in an occupied hive owned by a person other than the owner of the swarm, the owner of the swarm loses all right of property in the swarm.

Appointment of Director, Provincial Apiarist, Assistant Provincial Apiarist and inspectors

4.—(1) The Minister may appoint a Director, a Provincial Apiarist, an Assistant Provincial Apiarist and such inspectors as are considered necessary for the purposes of this Act.

Assistant Provincial Apiarist

(2) The Assistant Provincial Apiarist shall act in lieu of the Provincial Apiarist in the absence of the Provincial Apiarist or when so instructed to act by the Provincial Apiarist and when

so doing has all the powers and may perform any of the duties of the Provincial Apiarist.

Provincial Apiarist

(3) The Provincial Apiarist has all the powers and may perform any of the duties of an inspector.

Duties of inspector

(4) It is the duty of an inspector when he or she considers it necessary or when so instructed by the Provincial Apiarist,

(a) to inspect any bees or beekeeping equipment to determine whether any pest is present or disease exists in the bees, whether the beekeeping equipment is infected, or whether the provisions of this Act and the regulations have been complied with; and

(b) to inspect any books or records required by this Act or the regulations to be kept by beekeepers and persons who sell bees.

Employment of persons by inspector

(5) With the approval of the Provincial Apiarist, an inspector may employ such persons as the inspector requires to assist him or her in an inspection and such persons shall be paid such amounts as the Minister determines.

Right of entry

(6) In the performance of his or her duties under this Act and the regulations, an inspector may at any time between sunrise and sunset enter any premises, other than a dwelling, where bees, beekeeping equipment or books or records pertaining to the keeping of bees are kept or stored.

Samples

(7) An inspector may take such samples as the inspector considers necessary in order to determine whether any pest is present or disease exists in the bees or whether the beekeeping equipment is infected.

Obstruction of inspector

(8) No person shall obstruct the Provincial Apiarist, Assistant Provincial Apiarist or an inspector in the performance of their duties or furnish them with false information.

Assistance of beekeeper in inspection

(9) Every beekeeper shall, when requested to do so by an inspector, assist the inspector in an inspection on the premises of the beekeeper.

Treatment or destruction of infected bees or beekeeping equipment

5.—(1) Where an inspector has reasonable grounds for believing that any pest is present or disease exists in any bees or that any beekeeping equipment is infected, the inspector may, by order in writing,

(a) require the beekeeper to treat or disinfect such bees or beekeeping equipment in such manner and within such period as the order requires;

(b) require the beekeeper to destroy by fire, or other means approved by the Provincial Apiarist, within such period as the order requires, such bees or beekeeping equipment as in the opinion of the inspector cannot be suitably treated or disinfected; or

(c) require the beekeeper to retain the bees and beekeeping equipment at such location and for such period of time as the order requires.

Power of inspector to destroy or treat diseased bees, etc.

(2) If the beekeeper fails to carry out the instructions in an order given under subsection (1) within such period as the order requires or if so requested by the beekeeper, the inspector may carry out the instructions in the order and, when required to do so by the Provincial Apiarist, the beekeeper shall pay any expenses incurred in carrying out the instructions.

Order

(3) Every order under this section shall be delivered to the beekeeper by an inspector or mailed by prepaid mail to his or her last or usual place of abode and shall contain notice to the beekeeper that he or she may appeal from the order to the Director within five days after receipt of the order and, where the order is mailed, the beekeeper shall be deemed to have received the order on the fifth day after the day of mailing unless the beekeeper did not, acting in good faith, through absence, accident, illness or other cause beyond his or her control receive the order until a later date.

Bees in hive without movable frames

6.—(1) No beekeeper shall keep bees in a hive without movable frames.

Transfer of bees to hives with movable frames

(2) Where an inspector finds that bees are kept in a hive without movable frames, the inspector may order that they be transferred to hives with movable frames within such period as is specified in the order.

Failure of beekeeper to transfer

(3) If a beekeeper fails to transfer the bees in accordance with an order under subsection (2), the inspector may destroy the hives and the bees dwelling therein.

Appeal

7.—(1) Where a beekeeper considers himself or herself aggrieved by an order of an inspector, the beekeeper may within five days of the receipt of the order appeal against the order by notice to the Director.

(2) An appeal under this section may be made in writing or orally or by telephone to the Director, but the Director may require the grounds for appeal to be specified in writing before the hearing. Idem

(3) Upon being notified of an appeal, the Director shall, after a hearing, confirm, revoke or vary the order appealed from and shall notify the appellant of the Director's decision by prepaid mail and the appellant shall carry out such order as is given by the Director in the decision. Hearing

(4) The beekeeper and the inspector who made the order appealed from are parties to an appeal under this section. Parties

8.—(1) When requested by an inspector, every beekeeper shall inform the inspector of the location of all beekeeping equipment in the possession of the beekeeper. Information as to the location of beekeeping equipment to be given inspector

(2) Every beekeeper shall identify the apiary or apiaries of which he or she is the owner by posting, in the places and in the manner prescribed by the regulations made under this Act, his or her name and address. Posting of name and address of beekeeper

9. No beekeeper shall conceal the presence of any pests or the existence of any disease. Concealing existence of disease

10. Every beekeeper who finds that any pest is present or disease exists in his or her bees or that his or her beekeeping equipment is infected, shall immediately report the presence of the pest or the existence of the disease to the Provincial Apiarist. Duty of beekeeper to report disease

11.—(1) The Minister may declare a quarantine of bees in any area in Ontario that the Minister designates and may fix the duration of the quarantine and the conditions with respect thereto. Quarantine of bees

(2) No person shall move any bees or beekeeping equipment to, from, within or through an area of quarantine without a permit from the Provincial Apiarist. Moving bees to, from, etc., quarantine area

12.—(1) No beekeeper shall sell or remove or cause to be removed from his or her premises any bees or beekeeping equipment without a permit from an inspector stating that such bees or beekeeping equipment were inspected and appeared to be free from disease, pests and infection. Permit required for sale or removal of bees

Exception

(2) Subsection (1) does not apply where the bees and beekeeping equipment are moved by the beekeeper from his or her extracting plant to his or her apiaries or from such apiaries to such extracting plant or between such apiaries.

Receiving or transporting pest prohibited

13.—(1) No person shall receive or transport in any manner within Ontario any pest.

Permit required to receive or transport bees obtained outside Ontario

(2) No person shall receive or transport in any manner within Ontario any bees or used beekeeping equipment obtained from outside Ontario without a permit from the Provincial Apiarist stating that the Provincial Apiarist is satisfied that no pest is present, that such bees are free from disease and that such used beekeeping equipment is not infected.

Exposing infected comb or honey

14. No person shall expose on his or her premises or elsewhere any honeycomb or honey in such manner that it is accessible to bees where that person knows or ought to know that the honeycomb or honey is likely to be infected.

Disposal of dead colonies of bees, etc.

15.—(1) Where dead colonies of bees or honeycombs are exposed in such manner that they are accessible to bees, or where colonies of bees are abandoned or not regularly and properly attended, an inspector may require the beekeeper to dispose of such colonies and honeycombs in such manner and within such period as the inspector specifies.

Disposal by inspector

(2) If the beekeeper fails to dispose of such colonies and honeycombs as required by the inspector, the inspector may dispose of them and, where required to do so by the Provincial Apiarist, the beekeeper shall pay any expenses incurred in disposing of them.

Honey prohibited as food for bees

16. No person who sells package bees or queen bees shall use as food for such bees any honey or candy containing honey.

Bees obtained outside Ontario

17. Every person who receives bees that have been obtained from outside Ontario shall, within ten days of the receipt of the bees, notify the Provincial Apiarist that the bees have been received.

Spraying of fruit trees

18. No person shall spray or dust fruit trees during the period within which the trees are in bloom with a mixture containing any poisonous substance injurious to bees unless almost all the blossoms have fallen from the trees.

Location of hives

19.—(1) No person in a place other than an urban municipality or suburban district designated under this section shall

place or leave hives containing bees within ten metres of a highway, dwelling or cultivated field.

Exception

(2) Subsection (1) does not apply to hives placed or left on lands where the lands are separated from the highway, dwelling or cultivated field by a hedge or a solid fence at least two metres in height and extending at least 4.5 metres from the hives in both directions.

Location of hives in urban municipalities, etc.

(3) No person in an urban municipality or suburban district designated under this section shall place or leave hives containing bees within thirty metres of a property line separating the lands on which the hives are placed or left from lands occupied by a dwelling or used for purposes of a community centre, public park or other place of public assembly or recreation.

By-laws designating suburban districts

(4) The council of any township may pass by-laws designating as a suburban district any part of the township that adjoins an urban municipality or that adjoins another designated suburban district.

Approval of Minister

(5) A by-law passed under subsection (4) shall not take effect until it is approved by the Minister.

Transporting of used containers

20. No person shall sell, transport or ship within Ontario any used honey container that has not been properly cleansed.

Certificate of registration

21.—(1) No person shall be a beekeeper in Ontario without a certificate of registration issued by the Provincial Apiarist.

Application

(2) Every application for the issue or renewal of a certificate of registration shall be made to the Provincial Apiarist, be accompanied by the prescribed fee and include such information as the Provincial Apiarist requires.

Expiry

(3) Every certificate of registration expires on the 31st day of December next following the date on which it was issued.

Time for application for renewal

(4) An application for the renewal of a certificate of registration shall be filed with the Provincial Apiarist at least sixty days before the certificate expires.

Bees-wax refuse and used honeycombs

22. No person shall buy, sell or transport bees-wax refuse or used honeycombs between the 1st day of April and the 1st day of December in any year without a permit from the Provincial Apiarist.

Records and returns

23. Every beekeeper and every person who sells bees shall,

(a) keep such books and records as the regulations prescribe; and

(b) make such returns in such manner and at such times as the regulations prescribe.

Offence

24. Every person who contravenes any provision of this Act or the regulations or any order of the Director, Provincial Apiarist, Assistant Provincial Apiarist or an inspector is guilty of an offence and on conviction is liable to a fine of not more than $1,000 for a first offence and to a fine of not more than $5,000 or to imprisonment for a term of not more than thirty days for any subsequent offence.

Regulations

25. The Lieutenant Governor in Council may make regulations,

(a) prescribing the fees that shall be paid for a certificate of registration;

(b) providing for the keeping of a register of beekeepers;

(c) prescribing the books and records that shall be kept by beekeepers and by persons who sell bees or package bees;

(d) prescribing the returns that shall be made to the Provincial Apiarist by beekeepers and by persons who sell bees or package bees;

(e) requiring and prescribing the reports that shall be made to the Provincial Apiarist by inspectors;

(f) designating any area in Ontario as a queen bee breeding area and regulating the keeping of bees in such area;

(g) designating any disease of bees to be a disease within the meaning of this Act;

(h) designating any insect or parasite to be a pest within the meaning of this Act;

(i) prescribing forms and providing for their use.

Repeal

26. The *Bees Act*, being chapter 42 of the Revised Statutes of Ontario, 1980, is repealed.

Commencement

27. This Act comes into force on the day it receives Royal Assent.

Short title

28. The short title of this Act is the *Bees Act, 1987*.

CHAPTER 32

An Act to amend the Health Protection and Promotion Act, 1983

Assented to June 29th, 1987

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 37a (2) of the *Health Protection and Promotion Act, 1983*, being chapter 10, as enacted by the Statutes of Ontario, 1987, chapter 18, section 2, is repealed and the following substituted therefor:

(2) A physician or other person authorized to administer an immunizing agent, before administering it to a patient, shall cause the patient, or where the patient is not competent to consent, the person authorized to consent on the patient's behalf, to be informed of the benefits and material risks of the immunization and of the importance of reporting to a physician forthwith any reaction that might be a reportable event. Duty to inform patients

2. This Act shall be deemed to have come into force on the 21st day of May, 1987. Commencement

3. The short title of this Act is the *Health Protection and Promotion Amendment Act, 1987*. Short title

CHAPTER 33

An Act to revise the Loan and Trust Corporations Act

Assented to June 29th, 1987

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

INTERPRETATION AND APPLICATION

Definitions

1. In this Act,

"comptable"

"accountant" means a person who is licensed under the *Public Accountancy Act*; R.S.O. 1980, c. 405

"membre du même groupe"

"affiliate" means a body corporate that is an affiliate within the meaning of subsection 2 (1);

CHAPITRE 33

Loi portant révision de la Loi sur les compagnies de prêt et de fiducie

Sanctionnée le 29 juin 1987

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SA MAJESTÉ, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, décrète ce qui suit :

PARTIE I

DÉFINITIONS ET CHAMP D'APPLICATION

Définitions

1 Les définitions qui suivent s'appliquent à la présente loi.

«instrument of incorporation»

«acte constitutif» Loi spéciale, charte, lettres patentes ou autre document en vertu duquel une compagnie est constituée ou fusionnée, y compris les modifications y apportées.

«total assets»

«actif total» Actif d'une compagnie, calculé selon le mode prescrit. Dans le cas d'une compagnie de fiducie, s'entend en outre de la monnaie et des valeurs mobilières qui ont été mises à part aux termes du paragraphe 155 (5).

"banque" "bank" means a bank named in Schedule A or B to the *Bank Act* (Canada);
1980-81, c. 40 (Can.)

"filiale bancaire de crédit hypothécaire" "bank mortgage subsidiary" means a wholly-owned subsidiary of a bank that receives deposits that are guaranteed by the bank and whose investments in mortgages equal at least 85 per cent of its deposits;

"personne morale" "body corporate" means any body corporate with or without share capital and wherever or however incorporated;

"succursale" "branch" means an office of a corporation where it offers services to the public or where it provides fiduciary services;

"apport en capital" "capital base" means the shareholders' equity of a corporation calculated in the prescribed manner;

"fonds en fiducie collectif" "common trust fund" means a fund maintained by a trust corporation in which moneys belonging to various estates and trusts in its care are combined for the purpose of facilitating investment;

"corporation" "company" means a body corporate that is not a loan corporation, a trust corporation or a municipality or any local board thereof;

"compagnie" "corporation" means a loan corporation or a trust corporation whether incorporated in or outside of Ontario;

"dépôt" "deposit", in relation to a registered corporation, means money received by it under section 155 and money received by it before the coming into force of section 155 that, had that section been in force when the money was received, would have been received under section 155;

"déposant" "depositor" means a person who has a deposit in a corporation;

"directeur" "Director" means the Director appointed under subsection 177 (2);

"compagnie extra-provinciale" "extra-provincial corporation" means a corporation that was incorporated under the laws of Canada or of any province, other than Ontario, or of any territory of Canada;

"état financier" "financial statement" means a statement referred to in subsection 120 (1);

"bien immeuble amélioré" "improved real estate" means real estate,

«action assortie du droit de vote» Action d'une personne morale d'une catégorie assortie d'un droit de vote absolu, ou d'une catégorie assortie d'un droit de vote en raison de la survenance d'une éventualité qui s'est produite et se poursuit. «voting share»

«apport en capital» Avoir des actionnaires d'une compagnie, calculé selon le mode prescrit. «capital base»

«ayant droit» Exécuteur, administrateur successoral, tuteur, syndic, fiduciaire, séquestre ou liquidateur, ou curateur à la personne ou aux biens d'une personne frappée d'incapacité mentale. «personal representative»

«banque» Banque désignée à l'annexe A ou B de la *Loi sur les banques* (Canada). «bank» 1980-1981, chap. 40 (Can.)

«bien immeuble amélioré» Bien immeuble : «improved real estate»

a) sur lequel est érigé un bâtiment utilisé ou propre à servir à des fins domiciliaires, financières, commerciales, industrielles, éducatives, professionnelles, récréatives, institutionnelles ou religieuses, ou à des fins de bienfaisance;

b) sur lequel est en voie de construction ou sur le point de l'être un bâtiment propre à servir à des fins domiciliaires, financières, commerciales, industrielles, éducatives, professionnelles, récréatives, institutionnelles ou religieuses, ou à des fins de bienfaisance;

c) qui sert effectivement à une exploitation agricole;

d) qui est un terrain vague dans les limites d'une municipalité et dont les utilisations sont restreintes, notamment par les règlements relatifs au zonage, à des fins commerciales, industrielles ou domiciliaires.

«biens immeubles» S'entend notamment des maisons, dépendances, terres, loyers et héritages, soit en franche ou en autre tenure, corporels ou incorporels, des tenures à bail et de la partie indivise de ces biens, de même que de tous les droits et domaines qui s'y rattachent, à l'exclusion des hydrocarbures, minéraux ou agrégats souterrains. «real estate»

«compagnie» Compagnie de prêt ou de fiducie constituée en Ontario ou en dehors de cette province. «corporation»

(a) on which there exists a building used or capable of being used for residential, financial, commercial, industrial, educational, professional, institutional, religious, charitable or recreational purposes,

(b) on which a building capable of being used for residential, financial, commercial, industrial, professional, institutional, educational, religious, charitable or recreational purposes is being or is about to be constructed,

(c) on which *bona fide* farming operations are being conducted, or

(d) vacant land within a municipality that is restricted by law in its use to commercial, industrial or residential purposes by zoning or otherwise;

"acte constitutif" "instrument of incorporation" means the special Act, charter, letters patent or other document incorporating or amalgamating a corporation and includes all amendments thereto;

"la loi de l'Ontario" "law of Ontario" includes any law of the former Province of Canada or of Upper Canada, continued as the law of Ontario, or consolidated or incorporated with the law of Ontario;

"valeur hypothécable" "lending value", in relation to real estate, means the market value of the real estate reduced by such amounts as are attributable to contingencies or assumptions the occurrence of which is remote and that have increased the market value of the real estate, multiplied by the lesser of,

(a) 75 per cent, or

(b) such percentage less than 75 per cent as the corporation has determined in accordance with its prudent investment standards to be appropriate in the circumstances;

"compagnie de prêt" "loan corporation" means a body corporate incorporated or operated for the purpose of borrowing money from the public by receiving deposits and lending or investing such money but does not include a bank, a bank mortgage subsidiary, an insurance corporation, a trust corporation, a credit union or caisse populaire incorporated or registered under the *Credit Unions and Caisses Populaires Act* or an issuer registered under the *Investment Contracts Act*;

R.S.O. 1980, cc. 102, 221

«compagnie de fiducie» Personne morale constituée ou exploitée aux fins d'offrir ses services au public en tant que fiduciaire, dépositaire, mandataire, exécuteur testamentaire, administrateur successoral, séquestre, liquidateur, cessionnaire, tuteur aux biens d'un enfant mineur ou curateur aux biens d'une personne frappée d'incapacité mentale et aux fins de recevoir les dépôts du public et d'effectuer le prêt ou le placement de ces dépôts. «trust corporation»

«compagnie de prêt» Personne morale constituée ou exploitée aux fins d'effectuer des emprunts auprès du public en recevant des dépôts pour ensuite prêter ou placer les sommes reçues. Sont exclues de cette définition les banques, les filiales bancaires de crédit hypothécaire, les compagnies d'assurances, les compagnies de fiducie, les caisses populaires et les *credit unions* constituées ou enregistrées en vertu de la *Loi sur les caisses populaires et les credit unions*, ainsi que les compagnies de placement inscrites aux termes de la *Loi sur les contrats de placement*. «loan corporation» L.R.O. 1980, chap. 102, 221

«compagnie extraprovinciale» Compagnie constituée en vertu des lois du Canada, d'une province autre que l'Ontario, ou d'un territoire du Canada. «extra-provincial corporation»

«compagnie inscrite» Compagnie inscrite aux termes de la présente loi. «registered corporation»

«compagnie provinciale» Compagnie constituée en vertu de la loi de l'Ontario. «provincial corporation»

«compagnie qui fait appel au public» Compagnie dont les valeurs mobilières font l'objet d'un appel au public au sens du paragraphe 2 (9) et qui n'est pas réputée avoir cessé de faire appel au public en vertu d'une ordonnance de la Commission des valeurs mobilières de l'Ontario. «offering corporation»

«comptable» Personne qui est titulaire d'un permis délivré en vertu de la *Loi sur les experts-comptables*. «accountant» L.R.O. 1980, chap. 405

«conjoint» Personne avec laquelle une personne du sexe opposé est mariée ou avec laquelle elle vit dans une union conjugale hors du mariage. «spouse»

«corporation» Personne morale autre qu'une compagnie, une municipalité ou un conseil local d'une municipalité. «company»

«déposant» Titulaire d'un dépôt auprès d'une compagnie. «depositor»

«dépôt» En ce qui concerne une compagnie inscrite, les sommes d'argent qu'elle reçoit en vertu de l'article 155, ainsi que les sommes qu'elle a reçues avant l'entrée en vigueur «deposit»

"valeur marchande" "market value" means the most probable price that would be obtained for property in an arm's length sale in an open market under conditions requisite to a fair sale, the buyer and seller each acting prudently, knowledgeably and willingly;

"ministre" "Minister" means the Minister of Financial Institutions or other such member of the Executive Council to whom the administration of this Act may be assigned;

"ministère" "Ministry" means the Ministry of the Minister;

"hypothèque" "mortgage" includes a charge or hypothec;

"compagnie qui fait appel au public" "offering corporation" means a corporation that is offering its securities to the public within the meaning of subsection 2 (9) and that is not the subject of an order of the Ontario Securities Commission deeming it to have ceased to be offering its securities to the public;

"dirigeant" "officer" means the chairman and any vice-chairman of the board of directors, the president, any vice-president, the secretary, any assistant secretary, the treasurer, any assistant treasurer, the general manager and any other person designated an officer by by-law or by resolution of the directors and any other individual who performs functions for the corporation similar to those normally performed by an individual occupying any such office;

"ayant droit" "personal representative" means an executor, administrator, guardian, trustee, receiver or liquidator or the committee of or curator to a mentally incompetent person;

"prescrit" "prescribed" means prescribed by the regulations;

"établissement principal" "principal place of business" means,

(a) in the case of a provincial corporation, the place in Ontario designated in its instrument of incorporation as its head office or as its principal place of business, and

(b) in the case of a registered extra-provincial corporation, the place in Ontario designated in its registration as its principal place of business;

"compagnie provinciale" "provincial corporation" means a corporation incorporated under the law of Ontario;

de cet article et qui auraient été reçues en vertu de celui-ci s'il avait été en vigueur au moment de la réception de ces sommes.

«directeur» Le directeur nommé en vertu du paragraphe 177 (2). «Director»

«dirigeant» Le président et le vice-président du conseil d'administration, le président, le vice-président, le secrétaire, le secrétaire adjoint, le trésorier, le trésorier adjoint et le directeur général de la compagnie, et la personne désignée en tant que dirigeant par un règlement intérieur ou une résolution des administrateurs. S'entend en outre du particulier qui remplit auprès de la compagnie des fonctions semblables aux fonctions normalement exercées par le titulaire d'un de ces postes. «officer»

«établissement principal» S'entend : «principal place of business»

a) dans le cas de la compagnie provinciale, de l'endroit précis de l'Ontario qui figure à l'acte constitutif de la compagnie comme étant celui de son siège social ou de son établissement principal;

b) dans le cas de la compagnie extraprovinciale inscrite, de l'endroit précis de l'Ontario désigné lors de son inscription comme étant celui de son établissement principal.

«état financier» État visé au paragraphe 120 (1). «financial statement»

«filiale bancaire de crédit hypothécaire» Filiale en propriété exclusive d'une banque, qui reçoit des dépôts qui sont garantis par la banque et dont les placements hypothécaires s'élèvent à 85 pour cent au moins de ses dépôts. «bank mortgage subsidiary»

«fonds en fiducie collectif» Fonds tenu par une compagnie de fiducie et constitué de sommes d'argent provenant de diverses successions et fiducies qui lui sont confiées et qui sont réunies dans le but d'en faciliter le placement. «common trust fund»

«hypothèque» S'entend en outre d'une charge et de l'hypothèque en droit civil. «mortgage»

«la loi de l'Ontario» S'entend en outre d'une loi de l'ancienne province du Canada ou du Haut-Canada maintenue en vigueur en tant que loi de l'Ontario, ou refondue ou incorporée à cette dernière. «law of Ontario»

«membre du même groupe» Personne morale qui est membre du même groupe au sens du paragraphe 2 (1). «affiliate»

"biens immeubles" "real estate" includes messuages, lands, rents and hereditaments, whether freehold or of any other tenure, and whether corporeal or incorporeal, and leasehold estates, and any undivided share thereof, and any estate, right or interest therein but does not include hydrocarbons, minerals or aggregates in or under the ground;

"compagnie inscrite" "registered corporation" means a corporation registered under this Act;

"nominatif (nominative)" "registered form", when applied to a security, means a security that,

(a) specifies a person entitled to the security or to the rights it evidences, and the transfer of which is capable of being recorded in a securities register, or

(b) bears a statement that it is in registered form;

"règlements" "regulations" means the regulations made under this Act;

"résident canadien" "resident Canadian" means an individual who is,

(a) a Canadian citizen ordinarily resident in Canada,

(b) a Canadian citizen not ordinarily resident in Canada who is a member of a prescribed class of persons, or

1976-77, c. 52 (Can.)

(c) a permanent resident within the meaning of the *Immigration Act, 1976* (Canada) and ordinarily resident in Canada, except a permanent resident who has been ordinarily resident in Canada for more than one year after the time at which he or she first became eligible to apply for Canadian citizenship;

"personne assujettie à des restrictions" "restricted party" means a person who with respect to a corporation is,

(a) an officer or director of the corporation,

(b) a beneficial holder, directly or indirectly, of 10 per cent or more of any class of voting shares of the corporation,

(c) a beneficial holder of 10 per cent or more of any class of non-voting shares of the corporation,

(d) a beneficial holder, directly or indirectly, of 10 per cent or more of any class of voting shares of an affiliate of the corporation,

«ministère» Le ministère qui relève du ministre. «Ministry»

«ministre» Le ministre des Institutions financières ou un autre membre du Conseil des ministres à qui l'application de la présente loi peut être confiée. «Minister»

«nominatif (nominative)» S'il s'agit d'une valeur mobilière, celle qui : «registered form»

a) ou bien désigne nommément la personne qui est titulaire de cette valeur ou des droits qui y sont attestés et dont le transfert est susceptible d'être inscrit à un registre des valeurs mobilières;

b) ou bien porte la mention qu'elle est nominative.

«personne assujettie à des restrictions» S'entend de la personne qui, à l'égard d'une compagnie, est : «restricted party»

a) le dirigeant ou l'administrateur de la compagnie;

b) le détenteur à titre bénéficiaire, directement ou indirectement, de 10 pour cent ou plus d'une catégorie d'actions de la compagnie assorties du droit de vote;

c) le détenteur à titre bénéficiaire de 10 pour cent ou plus d'une catégorie d'actions de la compagnie non assorties du droit de vote;

d) le détenteur à titre bénéficiaire, directement ou indirectement, de 10 pour cent ou plus d'une catégorie d'actions assorties du droit de vote d'un membre du même groupe que la compagnie;

e) un membre du même groupe que la compagnie, mais n'est pas sa filiale;

f) l'employé de la compagnie;

g) le vérificateur de la compagnie, s'il exerce à titre individuel;

h) un associé de la société qui est le vérificateur de la compagnie, si cet associé participe effectivement à la vérification de la compagnie;

i) l'administrateur ou le dirigeant de la personne morale visée aux alinéas b) ou c);

(e) an affiliate of the corporation other than a subsidiary of the corporation,

(f) an employee of the corporation,

(g) an auditor of the corporation, if the auditor is a sole practitioner,

(h) a partner in the firm who are the corporation's auditors, if the partner is actually engaged in auditing the corporation,

(i) a director or officer of a body corporate described in clause (b) or (c),

(j) a spouse or child of an individual described in clause (a), (b), (c) or (d),

(k) any relative of an individual described in clause (a), (b), (c) or (d) or of his or her spouse who has the same home as such individual or spouse,

(l) a body corporate in which a person described in clause (a) or (b) is the beneficial holder, directly or indirectly, of 10 per cent or more of any class of voting shares,

(m) a body corporate in which a person described in clause (c), (f), (g), (h), (i) or (j) is the beneficial holder, directly or indirectly, of more than 50 per cent of any class of voting shares,

(n) a person designated under section 140 as a restricted party;

"registre de valeurs mobilières" "securities register" means the register referred to in subsection 127 (1);

"valeur mobilière" "security" means a share of any class or series of shares or a debt obligation of a body corporate and includes a certificate evidencing such a share or debt obligation and includes a warrant but does not include a deposit or any instrument evidencing a deposit in a corporation;

"résolution spéciale" "special resolution" means a resolution that is,

(a) submitted to a meeting of the shareholders of a corporation duly called for the purpose of considering the resolution and passed, with or without amend-

j) le conjoint ou l'enfant du particulier visé aux alinéas a), b), c) ou d);

k) un parent du particulier visé aux alinéas a), b), c) ou d) ou de son conjoint, qui habite avec le particulier ou avec le conjoint;

l) la personne morale dont la personne visée aux alinéas a) ou b) est le détenteur à titre bénéficiaire, directement ou indirectement, de 10 pour cent ou plus d'une catégorie quelconque d'actions assorties du droit de vote;

m) la personne morale dont la personne visée aux alinéas c), f), g), h), i) ou j) est le détenteur à titre bénéficiaire, directement ou indirectement, de plus de 50 pour cent d'une catégorie quelconque d'actions assorties du droit de vote;

n) la personne désignée en tant que personne assujettie à des restrictions en vertu de l'article 140.

«personne morale» Personne morale avec ou sans capital-actions sans égard au lieu ou au mode de constitution. «body corporate»

«prescrit» Prescrit par les règlements. «prescribed»

«registre de valeurs mobilières» Le registre visé au paragraphe 127 (1). «securities register»

«règlements» Les règlements pris en application de la présente loi. «regulations»

«résident canadien» S'entend : «resident Canadian»

a) du citoyen canadien qui réside ordinairement au Canada;

b) du citoyen canadien qui ne réside pas ordinairement au Canada, mais qui fait partie d'une catégorie prescrite de personnes;

c) d'un résident permanent au sens de la *Loi sur l'immigration de 1976* (Canada) qui réside ordinairement au Canada, à l'exclusion d'un résident permanent qui a résidé de façon ordinaire au Canada pendant plus d'un an après avoir acquis pour la première fois le droit de demander la citoyenneté canadienne. S.C. 1976-1977, chap. 52 (Can.)

«résolution spéciale» Résolution qui est : «special resolution»

ment, at the meeting by at least two-thirds of the votes cast, or

(b) consented to in writing by each shareholder of the corporation entitled to vote at such a meeting or the shareholder's agent authorized in writing;

"conjoint" "spouse" means the person to whom a person of the opposite sex is married or with whom the person is living in a conjugal relationship outside marriage;

"titre subalterne" "subordinated note" means a note issued under section 158;

"surintendant" "Superintendent" means the Superintendent of Deposit Institutions appointed under this Act;

"actif total" "total assets" means the assets of a corporation calculated in the prescribed manner and, in the case of a trust corporation, includes cash and securities earmarked and set aside under subsection 155 (5);

"compagnie de fiducie" "trust corporation" means a body corporate incorporated or operated for the purpose of offering its services to the public to act as trustee, bailee, agent, executor, administrator, receiver, liquidator, assignee, guardian of a minor's estate or committee of a mentally incompetent person's estate and for the purpose of receiving deposits from the public and of lending or investing such deposits;

"action assortie du droit de vote" "voting share" means any share of any class of shares of a body corporate carrying voting rights under all circumstances and any share of any class of shares carrying voting rights by reason of the occurrence of any contingency that has occurred and is continuing.

Deemed affiliation **2.**—(1) For the purposes of this Act,

(a) a body corporate shall be deemed to be affiliated with another body corporate if one of them is the subsidiary of the other or both are subsidiaries of the same body corporate or each of them is controlled by the same person; and

a) soit proposée à une assemblée des actionnaires de la compagnie convoquée à cette fin et adoptée, avec ou sans amendements, aux deux tiers au moins des voix exprimées;

b) soit adoptée du consentement écrit de chaque actionnaire de la compagnie habile à voter lors d'une telle assemblée, ou de son mandataire muni d'une autorisation écrite.

«succursale» Bureau de la compagnie, où elle offre des services au public ou fournit des services fiduciaires. «branch»

«surintendant» Le surintendant des institutions de dépôt nommé aux termes de la présente loi. «Superintendent»

«titre subalterne» Titre émis aux termes de l'article 158. «subordinated note»

«valeur hypothécable» Relativement à un bien immeuble, valeur marchande, déduction faite des montants qui tiennent compte des imprévus dont la survenance est improbable ou des prévisions dont la réalisation est improbable, mais qui ont fait augmenter la valeur marchande de l'immeuble, multipliée par le moins élevé des pourcentages suivants : «lending value»

a) 75 pour cent;

b) le pourcentage inférieur à 75 pour cent que la compagnie juge approprié dans les circonstances, conformément à ses normes de placements sûrs.

«valeur marchande» Le prix qui serait vraisemblablement obtenu lors de la vente du bien sur le marché libre, intervenue dans les conditions nécessaires pour en assurer l'équité, entre un vendeur et un acheteur prudents, avisés et consentants et n'ayant aucun lien de dépendance. «market value»

«valeur mobilière» Action d'une catégorie ou d'une série, titre de créance d'une personne morale et certificat qui en atteste l'existence. S'entend en outre du bon de souscription, à l'exclusion du dépôt ou de l'effet qui atteste le dépôt effectué auprès d'une compagnie. «security»

2 (1) Pour l'application de la présente loi : Personne morale réputée membre du même groupe

a) une personne morale est réputée un membre du même groupe qu'une autre si l'une est la filiale de l'autre ou si les deux sont des filiales de la même personne morale ou si une même personne a le contrôle de chacune d'elles;

(b) the affiliates of every body corporate shall be deemed to be affiliated with all other bodies corporate with which the body corporate is affiliated.

Deemed control

(2) For the purposes of this Act, except sections 59 to 61, a body corporate shall be deemed to be controlled by a person if,

(a) securities of the body corporate to which are attached more than 50 per cent of the votes that may be cast to elect directors of the body corporate are held other than by way of security only by or for the benefit of that person; and

(b) the votes attached to those securities are sufficient, if exercised, to elect a majority of the directors of the body corporate.

Deemed holding body corporate

(3) For the purposes of this Act, a body corporate shall be deemed to be the holding body corporate of all of its subsidiaries.

Deemed subsidiaries

(4) For the purposes of this Act, a body corporate shall be deemed to be a subsidiary of another body corporate if,

(a) it is controlled by,

(i) that other,

(ii) that other and one or more bodies corporate each of which is controlled by that other, or

(iii) two or more bodies corporate each of which is controlled by that other; or

(b) it is a subsidiary within the meaning of clause (a) of a body corporate that is that other's subsidiary.

Beneficial ownership of securities

(5) For the purposes of this Act, a person shall be deemed to own beneficially securities that are beneficially owned by a body corporate controlled by the person.

"Downstream" investments

(6) For the purposes of this Act, where a person owns beneficially, directly or indirectly, shares of a body corporate, the person shall be deemed to own beneficially that proportion of shares of every other body corporate that is owned beneficially, directly or indirectly, by the first-mentioned body corporate, that is equal to the proportion of shares of the first-mentioned body corporate that is owned beneficially, directly or indirectly, by the person.

b) les membres du même groupe qu'une personne morale sont réputés membres des mêmes groupes que toutes les autres personnes morales avec lesquelles celle-ci est elle-même membre du même groupe.

Contrôle réputé

(2) Pour l'application de la présente loi, à l'exception des articles 59 à 61, une personne morale est réputée être sous le contrôle d'une personne si :

a) d'une part, celle-ci détient ou est bénéficiaire autrement qu'à titre de garantie seulement, de valeurs mobilières de la personne morale qui comportent plus de 50 pour cent des voix qui peuvent être exprimées pour élire les administrateurs;

b) d'autre part, le nombre de voix rattachées à ces valeurs mobilières suffit à élire une majorité d'administrateurs de cette personne morale.

Personne morale mère réputée

(3) Pour l'application de la présente loi, une personne morale est réputée la personne morale mère à l'égard de chacune de ses filiales.

Filiales réputées

(4) Pour l'application de la présente loi, une personne morale est réputée la filiale d'une autre si, selon le cas :

a) elle est sous le contrôle :

(i) de cette autre personne morale,

(ii) de cette autre personne morale et d'une ou de plusieurs personnes morales qui sont toutes sous le contrôle de cette autre personne morale,

(iii) de deux personnes morales ou plus qui sont toutes sous le contrôle de cette autre personne morale;

b) elle est la filiale au sens de l'alinéa a) d'une personne morale qui est elle-même la filiale de cette autre personne morale.

Propriété à titre bénéficiaire de valeurs mobilières

(5) Pour l'application de la présente loi, une personne est réputée propriétaire à titre bénéficiaire de valeurs mobilières dont une personne morale qui est sous le contrôle de cette personne est propriétaire à titre bénéficiaire.

Placements en aval

(6) Pour l'application de la présente loi, la personne propriétaire à titre bénéficiaire, directement ou indirectement, d'actions d'une personne morale, est réputée propriétaire à

Choice of rule

(7) Where subsections (5) and (6) may apply to a person, only the subsection under which the person is deemed to own beneficially the most securities applies to the person.

Exclusion

(8) Securities owned by a corporation shall not be considered in determining a person's deemed beneficial ownership of securities under subsection (5) or (6).

Offering securities to public

(9) For the purposes of this Act, a body corporate is offering its securities to the public only where,

(a) in respect of any of its securities, a prospectus, statement of material facts or securities exchange take-over bid or issuer bid circular has been filed under the *Securities Act* or any predecessor thereof or a prospectus has been filed under *The Corporations Information Act*, being chapter 72 of the Revised Statutes of Ontario, 1960, or any predecessor thereof, so long as any of such securities are outstanding or any securities into which such securities are converted are outstanding; or

R.S.O. 1980, c. 466

(b) any of its securities have been at any time since the 1st day of May, 1967, listed and posted for trading on any stock exchange in Ontario recognized by the Ontario Securities Commission regardless of when such listing and posting for trading commenced,

except that where, upon the application of a body corporate that has fewer than fifteen security holders, the Ontario Securities Commission is satisfied that to do so would not be prejudicial to the public interest, the Commission may order, subject to such terms and conditions as it may impose, that the body corporate shall be deemed to have ceased to be offering its securities to the public.

Related persons

(10) For the purposes of sections 62 to 69, a person shall be deemed to be related to,

(a) every company or corporation of which the person beneficially owns, directly or indirectly, voting shares carrying more than 50 per cent of the voting rights attached to all voting securities of the company or corporation for the time being outstanding;

titre bénéficiaire d'un nombre d'actions de chacune des autres personnes morales dont la personne morale citée en premier lieu est propriétaire à titre bénéficiaire, directement ou indirectement, qui est proportionnel au nombre d'actions de cette dernière que cette personne détient au même titre.

Choix de la règle pertinente

(7) Si les paragraphes (5) et (6) peuvent s'appliquer à une personne, seul le paragraphe en vertu duquel la personne est réputée propriétaire à titre bénéficiaire du plus grand nombre de valeurs mobilières s'applique à elle.

Exclusion

(8) Dans la détermination des valeurs mobilières dont une personne est réputée propriétaire à titre bénéficiaire aux termes des paragraphes (5) ou (6), il n'est pas tenu compte de valeurs mobilières dont une compagnie est propriétaire.

Appel au public

(9) Pour l'application de la présente loi, une personne morale ne fait appel au public que dans l'un des cas suivants :

a) elle a déposé à l'égard de ses valeurs mobilières, un prospectus, un exposé des faits pertinents ou une circulaire d'offre d'achat en bourse visant à la mainmise ou une circulaire d'offre de l'émetteur en vertu de la *Loi sur les valeurs mobilières* ou d'une loi que celle-ci remplace, ou elle a déposé un prospectus en vertu de *The Corporations Information Act*, qui constitue le chapitre 72 des Lois refondues de l'Ontario de 1960 ou d'une loi que celle-ci remplace, tant que sont en circulation ces mêmes valeurs mobilières ou celles qui résultent de leur conversion;

L.R.O. 1980, chap. 466

b) certaines de ses valeurs mobilières ont été, à un moment donné depuis le 1er mai 1967, officiellement cotées à une bourse de l'Ontario reconnue par la Commission des valeurs mobilières de l'Ontario, sans égard à la date de leur inscription.

Toutefois, à la demande d'une personne morale comportant moins de quinze détenteurs de ses valeurs mobilières, lorsque la Commission est convaincue que le public n'en subira aucun préjudice, elle peut rendre une ordonnance, aux conditions qu'elle fixe, selon laquelle la personne morale est réputée avoir cessé de faire appel au public.

Personnes liées

(10) Pour l'application des articles 62 à 69, une personne est réputée liée :

a) à la corporation ou compagnie à l'égard de laquelle elle est, directement ou indirectement, propriétaire à titre bénéficiaire d'actions comportant plus de 50 pour cent des droits de vote sur l'ensemble des valeurs mobilières de la corporation ou compagnie avec droit de vote en circulation;

(b) every partner of the person;

(c) every trust or estate in which the person has a substantial beneficial interest or as to which the person serves as trustee or in a similar capacity;

(d) the spouse and every child of the person;

(e) every relative of the person or of his or her spouse who has the same home as the person.

Application of Act

3.—(1) This Act applies to all corporations unless specifically limited to provincial corporations.

Idem

(2) Where there is a conflict between a provision of the instrument of incorporation of a provincial corporation or of any special Act of Ontario in relation to any corporation and a provision of this Act or the regulations, the provision of this Act or the regulations, as the case may be, prevails.

Non-application of Act

4. This Act does not apply to a body corporate that is authorized, constituted or operated for the purpose of lending money on the security of real estate or for the purpose of investing money in mortgages, where the body corporate borrows only by way of,

(a) loans from banks, corporations, insurance companies or credit unions or caisses populaires incorporated or registered under the *Credit Unions and Caisses Populaires Act*; or

R.S.O. 1980, c. 102

(b) the issue of debentures, notes or like obligations of an amount not less than $100,000 each to any one person on the person's account, whereby the body corporate is not obligated or cannot by demand of the holder be obligated to repay the money secured by the debenture, note or obligation within five years from the date of its issue.

PART II

INCORPORATION AND INSTRUMENT OF INCORPORATION

Incorporation of a loan corporation

5. The Lieutenant Governor in Council may incorporate a loan corporation by the issue of letters patent upon the application of any one or more persons.

b) à chacun des associés de cette personne;

c) à la fiducie ou à la succession sur laquelle la personne a un droit important à titre bénéficiaire ou à l'égard de laquelle elle remplit les fonctions de fiduciaire ou des fonctions analogues;

d) au conjoint et à chaque enfant de cette personne;

e) à chaque parent de la personne ou de son conjoint, qui habite avec la personne.

Application de la présente loi

3 (1) La présente loi s'applique à toutes les compagnies, sauf les cas où elle ne vise expressément que les compagnies provinciales.

Idem

(2) La disposition pertinente de la présente loi ou des règlements prime en cas de conflit entre celle-ci et la disposition de l'acte constitutif d'une compagnie provinciale ou d'une loi spéciale de l'Ontario portant sur une compagnie.

Non-application de la loi

4 La présente loi ne s'applique pas à la personne morale constituée ou exploitée dans le but de consentir des prêts de sommes d'argent garantis par des sûretés immobilières ou d'effectuer des placements sur hypothèque, si cette personne morale effectue des emprunts uniquement au moyen :

a) d'emprunts effectués auprès de banques, de compagnies, de compagnies d'assurance ou de caisses populaires ou de *credit unions* constitués ou enregistrés en vertu de la *Loi sur les caisses populaires et les credit unions*; L.R.O. 1980, chap. 102

b) de l'émission de débentures, billets ou autres titres de créance d'un montant d'au moins 100 000 $ chacun au nom et pour le compte d'une seule personne, qui n'obligent pas la personne morale à rembourser la somme garantie dans les cinq ans de leur émission et qui ne l'obligent pas à ce faire à la demande du titulaire.

PARTIE II

CONSTITUTION ET ACTE CONSTITUTIF

Constitution d'une compagnie de prêt

5 Le lieutenant-gouverneur en conseil peut constituer une compagnie de prêt par la délivrance de lettres patentes à la demande d'une ou de plusieurs personnes.

Application for incorporation

6.—(1) An application for the issue of letters patent to incorporate a loan corporation shall follow the prescribed form and shall be filed with the Superintendent together with,

(a) evidence showing that at least $5,000,000 of common shares will be subscribed for in good faith at the time the letters patent are issued;

(b) an application to be registered as a loan corporation; and

(c) such other information, material and evidence as the form may specify.

Notices, additional information

(2) The Superintendent, upon the filing of an application for the issue of letters patent to incorporate a loan corporation,

(a) shall require notice of the application and notice of the application for registration, containing such information as the Superintendent may require, to be published by the applicant in *The Ontario Gazette* and in a newspaper having general circulation in the locality where the principal place of business is to be located; and

(b) may require the applicant to provide such information, material and evidence as the Superintendent may consider necessary, in addition to the information, material and evidence required to be provided in or with the application.

Restriction on issue of letters patent

7. Letters patent for the incorporation of a loan corporation shall not be issued unless it is shown to the satisfaction of the Lieutenant Governor in Council that,

(a) there exists a public benefit and advantage for establishing an additional loan corporation;

(b) the proposed management is fit, both as to character and as to competence, to manage a loan corporation;

(c) each person subscribing for 10 per cent or more of any class of shares of the proposed corporation can demonstrate the adequacy of their financial resources and is fit as to character to own 10 per cent or more of such class of shares;

Demande de constitution

6 (1) La demande de délivrance de lettres patentes aux fins de constituer une compagnie de prêt est rédigée selon la formule prescrite, déposée auprès du surintendant et accompagnée :

a) d'une preuve que des actions ordinaires seront souscrites de bonne foi, lors de la délivrance des lettres patentes, pour un montant d'au moins 5 000 000 $;

b) d'une demande d'inscription à titre de compagnie de prêt;

c) des autres renseignements, documents et pièces justificatives précisés dans la formule.

Avis, renseignements supplémentaires

(2) Lors du dépôt d'une demande de délivrance de lettres patentes aux fins de constituer une compagnie de prêt, le surintendant :

a) doit exiger que l'auteur de la demande publie dans la *Gazette de l'Ontario* et dans un journal généralement lu à l'endroit où sera situé l'établissement principal de la compagnie, un avis de la demande, ainsi qu'un avis de la demande d'inscription qui reproduit tous les renseignements que le surintendant précise;

b) peut exiger que l'auteur de la demande fournisse, outre ceux qui doivent accompagner la demande ou y figurer, les renseignements, documents et pièces justificatives qu'il juge nécessaires.

Restrictions portant sur la délivrance de lettres patentes

7 Il ne doit pas être délivré de lettres patentes pour la constitution d'une compagnie de prêt, à moins qu'il ne soit démontré à la satisfaction du lieutenant-gouverneur en conseil que les conditions suivantes sont réunies :

a) qu'il est avantageux pour le public d'établir une nouvelle compagnie de prêt;

b) que les membres proposés pour assumer la direction de la compagnie projetée sont aptes, du point de vue de la moralité et de la compétence, à gérer une compagnie de prêt;

c) que chacune des personnes qui souscrit 10 pour cent ou plus des actions d'une catégorie de la compagnie projetée est en mesure d'établir sa solvabilité et est apte, du point de vue de la moralité, à posséder 10 pour cent ou plus des actions de cette catégorie;

(d) each proposed director is fit, both as to character and as to competence, to be a director of a loan corporation;

(e) the proposed plan of operations is feasible; and

(f) the proposed corporation intends to offer to the public, initially or within a reasonable time after incorporation, the services set out in the application for incorporation.

Contents of letters patent

8. The letters patent of a loan corporation shall set out,

(a) the name of the corporation;

(b) the municipality or geographic township in Ontario where the principal place of business is to be located;

(c) the classes and any maximum number of shares that the corporation is authorized to issue and the rights, privileges, restrictions and conditions attaching to each class of shares; and

(d) the full name, address of residence, citizenship and occupation of,

(i) each of the first directors of the corporation,

(ii) every person who subscribed for 10 per cent or more of any class of shares of the corporation, and

(iii) each of the applicants.

Day of incorporation

9. A provincial loan corporation comes into existence on the day set out in its letters patent.

Supplementary letters patent

10.—(1) On the application of a provincial corporation, the Lieutenant Governor in Council may issue supplementary letters patent to amend the instrument of incorporation of the corporation,

(a) to change its name;

(b) in the case of a provincial loan corporation, to continue it as a trust corporation;

(c) in the case of a provincial trust corporation, to continue it as a loan corporation; or

d) que chacun des futurs administrateurs est apte, du point de vue de la moralité et de la compétence, à remplir cette fonction auprès d'une compagnie de prêt;

e) que le programme d'exploitation projeté est réalisable;

f) que la compagnie projetée se propose d'offrir au public dès sa constitution ou dans un délai raisonnable par la suite, les services énoncés dans la demande de constitution.

Teneur des lettres patentes

8 Les lettres patentes d'une compagnie de prêt énoncent :

a) sa dénomination sociale;

b) la municipalité ou le canton en Ontario où sera situé son établissement principal;

c) les catégories et le nombre maximal d'actions que la compagnie est autorisée à émettre ainsi que les droits, privilèges, restrictions et conditions rattachés à chaque catégorie;

d) les nom et prénoms au complet, l'adresse personnelle, la citoyenneté ainsi que la profession de :

(i) chacun des premiers administrateurs de la compagnie,

(ii) chaque personne qui a souscrit 10 pour cent ou plus des actions d'une catégorie,

(iii) chacun des auteurs de la demande.

Date de constitution

9 La compagnie de prêt provinciale prend naissance à la date indiquée dans ses lettres patentes.

Lettres patentes supplémentaires

10 (1) Le lieutenant-gouverneur en conseil peut, à la demande d'une compagnie provinciale, délivrer des lettres patentes supplémentaires aux fins d'apporter à l'acte constitutif de la compagnie les modifications suivantes :

a) le changement de sa dénomination sociale;

b) s'il s'agit d'une compagnie de prêt provinciale, sa prorogation en tant que compagnie de fiducie;

c) s'il s'agit d'une compagnie de fiducie provinciale, sa prorogation en tant que compagnie de prêt;

(d) to change the municipality or geographic township in which the principal place of business of the corporation is located.

Idem

(2) On the application of the corporations involved, the Lieutenant Governor in Council may issue letters patent to amalgamate the corporations and continue them as one provincial corporation.

Idem

(3) On the application of any provincial corporation, the Lieutenant Governor in Council may issue supplementary letters patent to amend the instrument of incorporation of the corporation to,

(a) add, change or remove any maximum number of shares that the corporation is authorized to issue;

(b) create new classes of shares;

(c) change the designation of all or any of its shares, and add, change or remove any rights, privileges, restrictions and conditions, including rights to accrued dividends, in respect of all or any of its shares, whether issued or unissued;

(d) change the shares of any class or series, whether issued or unissued, into a different number of shares of the same class or series or into the same or a different number of shares of other classes or series;

(e) divide a class of shares, whether issued or unissued, into series and fix the number of shares in each series and the rights, privileges, restrictions and conditions thereof;

(f) authorize the directors to divide any class of unissued shares into series and fix the number of shares in each series and the rights, privileges, restrictions and conditions thereof;

(g) authorize the directors to change the rights, privileges, restrictions and conditions attached to unissued shares of any series; and

(h) revoke, diminish or enlarge any authority conferred under clauses (f) and (g).

Special resolution

(4) No application shall be made under subsection (1) or (3) unless it has been authorized by a special resolution of the provincial corporation.

d) le transfert de l'établissement principal de la compagnie dans une autre municipalité ou un autre canton.

Idem (2) À la demande des compagnies intéressées, le lieutenant-gouverneur en conseil peut délivrer des lettres patentes aux fins de la fusion de ces compagnies et de leur prorogation comme une seule compagnie provinciale.

Idem (3) À la demande d'une compagnie provinciale, le lieutenant-gouverneur en conseil peut délivrer des lettres patentes supplémentaires aux fins d'apporter à l'acte constitutif de la compagnie les modifications suivantes :

a) ajouter, modifier ou supprimer un nombre maximal d'actions que la compagnie est autorisée à émettre;

b) créer de nouvelles catégories d'actions;

c) changer la désignation de la totalité ou d'une partie de ses actions et ajouter, modifier ou supprimer tous droits, privilèges, restrictions et conditions, y compris le droit à des dividendes accumulés, concernant la totalité ou une partie de ses actions, émises ou non;

d) changer le nombre d'actions, émises ou non, d'une catégorie ou d'une série ou les changer de catégorie ou de série;

e) diviser en séries une catégorie d'actions, émises ou non, en indiquant le nombre d'actions par série, ainsi que les droits, privilèges, restrictions ou conditions qui s'y rattachent;

f) autoriser les administrateurs à diviser en séries une catégorie d'actions non émises, en indiquant le nombre d'actions par série, ainsi que les droits, privilèges, restrictions et conditions qui s'y rattachent;

g) autoriser les administrateurs à modifier les droits, privilèges, restrictions et conditions rattachés aux actions non émises d'une série;

h) révoquer ou modifier les autorisations données aux termes des alinéas f) et g).

Résolution spéciale (4) Aucune demande ne doit être présentée en vertu des paragraphes (1) ou (3) à moins d'avoir été autorisée par résolution spéciale de la compagnie provinciale.

Application

(5) An application for the issue of supplementary letters patent shall follow the prescribed form and shall be filed with the Superintendent together with such information, material and evidence as the form may specify and, in the case of an application under clause (1) (b), evidence that,

(a) the stated capital account or accounts of the corporation is or are equal to or exceed $5,000,000 and the capital base of the corporation equals or exceeds $10,000,000; or

(b) one or more responsible applicants has subscribed in good faith for shares of the corporation so that, when issued and added to the stated capital account or accounts, the stated capital account or accounts will equal or exceed $10,000,000 and the capital base will equal or exceed $10,000,000.

Idem

(6) An application for the issue of supplementary letters patent under clause (1) (b) or (c) shall be accompanied by an application for registration as a trust corporation or loan corporation, as the case may be.

Notice, additional information

(7) The Superintendent, upon the filing of an application for supplementary letters patent,

(a) may require notice of the application, containing such information as the Superintendent may require, to be published by the applicant in *The Ontario Gazette*, and in a newspaper having general circulation in the locality where the principal place of business in Ontario of the corporation is located; and

(b) may require the applicant to provide such information, material and evidence as the Superintendent may consider necessary, in addition to the information, material and evidence required to be provided in or with the application.

Rejection of application

(8) Supplementary letters patent shall not be issued,

(a) to continue a provincial loan corporation as a provincial trust corporation unless it is shown to the satisfaction of the Lieutenant Governor in Council that,

(i) there exists a public benefit and advantage for continuing the corporation as a trust corporation,

Demande

(5) La demande de délivrance de lettres patentes supplémentaires est rédigée selon la formule prescrite et est déposée auprès du surintendant, accompagnée des renseignements, documents et pièces justificatives qui sont précisés dans la formule, et dans le cas de la demande aux termes de l'alinéa (1) b), de la preuve que l'une des conditions suivantes est remplie :

a) le compte capital déclaré de la compagnie, ou le total de ces comptes, atteint ou dépasse 5 000 000 $, et son apport en capital atteint ou dépasse 10 000 000 $;

b) l'un ou plusieurs des auteurs de la demande, dignes de confiance, ont de bonne foi souscrit des actions de la compagnie de sorte que le montant émis, ajouté à la fois au compte ou aux comptes capital déclaré et à l'apport en capital, donnera un produit qui atteint ou dépasse 10 000 000 $ dans chaque cas.

Idem

(6) La demande de délivrance de lettres patentes supplémentaires aux termes des alinéas (1) b) ou c) est accompagnée d'une demande d'inscription en tant que compagnie de fiducie ou compagnie de prêt, selon le cas.

Avis, renseignements supplémentaires

(7) Lors du dépôt d'une demande de lettres patentes supplémentaires, le surintendant :

a) peut exiger que l'auteur de la demande publie dans la *Gazette de l'Ontario* et dans un journal généralement lu à l'endroit où est situé l'établissement principal de la compagnie, un avis qui reproduit les renseignements que précise le surintendant;

b) peut exiger que l'auteur de la demande fournisse, outre ceux qui doivent accompagner la demande ou y figurer, les renseignements, documents et pièces justificatives qu'il juge nécessaires.

Rejet de la demande

(8) Des lettres patentes supplémentaires ne sont pas délivrées aux fins :

a) de proroger une compagnie de prêt provinciale en compagnie de fiducie provinciale, à moins qu'il ne soit démontré à la satisfaction du lieutenant-gouverneur en conseil que les conditions suivantes sont réunies :

(i) qu'il est avantageux pour le public que la compagnie soit prorogée en compagnie de fiducie,

(ii) the management of the applicant is fit, both as to character and as to competence, to manage a trust corporation,

(iii) each person subscribing for 10 per cent or more of any class of shares of the corporation or who holds, or upon the issue of the supplementary letters patent will hold, 10 per cent or more of any class of its shares can demonstrate the adequacy of their financial resources and is fit as to character to own 10 per cent or more of such class of shares,

(iv) each director of the applicant is fit, both as to character and as to competence, to be a director of a trust corporation,

(v) the proposed plan of operations as a trust corporation is feasible, and

(vi) the corporation intends to offer to the public, initially or within a reasonable time after incorporation, the services set out in the application for supplementary letters patent;

(b) to continue a provincial trust corporation as a provincial loan corporation unless it is shown to the satisfaction of the Lieutenant Governor in Council that arrangements have been made to transfer to another registered trust corporation the business in relation to which the provincial trust corporation acted as a fiduciary and such arrangements are adequate to protect the persons in relation to which the provincial trust corporation acted in a fiduciary capacity;

(c) to change the municipality or geographic township in which the principal place of business of a provincial corporation is located unless it is shown to the satisfaction of the Lieutenant Governor in Council that the proposed plan of operations in the new location is feasible.

Deposits

(9) Clause (8) (b) does not apply so as to require a trust corporation that has applied to be continued as a loan corporation to transfer money received by it as deposits.

(ii) que les membres de la direction de l'auteur de la demande sont aptes, du point de vue de la moralité et de la compétence, à gérer une compagnie de fiducie,

(iii) que chaque personne qui souscrit 10 pour cent ou plus des actions d'une catégorie, ou qui détient ou, lors de la délivrance des lettres patentes supplémentaires, détiendra 10 pour cent ou plus des actions d'une catégorie, est en mesure d'établir sa solvabilité et est apte, du point de vue de la moralité, à posséder 10 pour cent ou plus des actions de cette catégorie,

(iv) que chacun des administrateurs de l'auteur de la demande est apte, du point de vue de la moralité et de la compétence, à remplir cette fonction auprès d'une compagnie de fiducie,

(v) que le programme d'exploitation de la compagnie en tant que compagnie de fiducie est réalisable,

(vi) que la compagnie se propose d'offrir au public, dès sa constitution ou dans un délai raisonnable par la suite, les services énoncés dans la demande de lettres patentes supplémentaires;

b) de proroger une compagnie de fiducie provinciale en compagnie de prêt provinciale, à moins qu'il ne soit démontré à la satisfaction du lieutenant-gouverneur en conseil que les arrangements qui ont été pris afin de céder les activités qu'elle exerce en qualité de fiduciaire à une autre compagnie de fiducie inscrite suffisent à assurer la protection des personnes qu'elle représentait en cette qualité;

c) de transférer l'établissement principal d'une compagnie provinciale dans une autre municipalité ou un autre canton, à moins qu'il ne soit démontré à la satisfaction du lieutenant-gouverneur en conseil que son programme d'exploitation projeté au nouvel endroit est réalisable.

Dépôts

(9) L'alinéa (8) b) n'a pas pour effet d'obliger une compagnie de fiducie qui demande sa prorogation en compagnie de prêt à effectuer le transfert des sommes d'argent qu'elle a reçues à titre de dépôts.

Idem

(10) Where supplementary letters patent have been issued to continue a loan corporation as a trust corporation,

(a) deposits received by the loan corporation under clause 155 (1) (a) shall be deemed to be deposits received under clause 155 (2) (a); and

(b) deposits received by the loan corporation under clause 155 (1) (b) shall be deemed to be deposits received under clause 155 (2) (b).

Idem

(11) Where supplementary letters patent have been issued to continue a trust corporation as a loan corporation,

(a) deposits received by the trust corporation under clause 155 (2) (a) shall be deemed to be deposits received under clause 155 (1) (a); and

(b) deposits received by the trust corporation under clause 155 (2) (b) shall be deemed to be deposits received under clause 155 (1) (b).

Names

11.—(1) Subject to subsection (2), letters patent or supplementary letters patent shall not be issued to a corporation that has a name,

(a) that contains a word or expression prohibited by this Act or the regulations or does not contain a word or expression required by this Act or the regulations or that in any other manner does not comply with this Act or the regulations;

(b) that is the same or similar to,

(i) the name of a known,

(A) body corporate,

(B) trust,

(C) association,

(D) partnership,

(E) sole proprietorship, or

(F) individual,

whether in existence or not, or

(10) Lorsque des lettres patentes supplémentaires ont été délivrées aux fins de proroger une compagnie de prêt en une compagnie de fiducie : Idem

a) les dépôts reçus par la compagnie de prêt en vertu de l'alinéa 155 (1) a) sont réputés reçus en vertu de l'alinéa 155 (2) a);

b) les dépôts reçus par la compagnie de prêt en vertu de l'alinéa 155 (1) b) sont réputés reçus en vertu de l'alinéa 155 (2) b).

(11) Lorsque des lettres patentes supplémentaires ont été délivrées aux fins de proroger une compagnie de fiducie en compagnie de prêt : Idem

a) les dépôts reçus par la compagnie de fiducie en vertu de l'alinéa 155 (2) a) sont réputés reçus en vertu de l'alinéa 155 (1) a);

b) les dépôts reçus par la compagnie de fiducie en vertu de l'alinéa 155 (2) b) sont réputés reçus en vertu de l'alinéa 155 (1) b).

11 (1) Sous réserve du paragraphe (2), il n'est pas délivré de lettres patentes ou de lettres patentes supplémentaires à la compagnie dont la dénomination sociale : Dénominations sociales

a) reproduit un mot ou une expression prohibés par la présente loi ou les règlements, ne les reproduit pas alors qu'ils sont requis ou qui pour un autre motif n'est pas conforme à la présente loi ou aux règlements;

b) est identique ou semblable :

(i) à la dénomination sociale ou au nom :

(A) d'une personne morale,

(B) d'une fiducie,

(C) d'une association,

(D) d'une société en nom collectif,

(E) d'une entreprise personnelle,

(F) d'un particulier,

qui est connu, qu'il existe ou non,

(ii) the known name under which any body corporate, trust, association, partnership, sole proprietorship or individual carries on business or identifies itself,

if the use of that name would be likely to deceive; or

(c) that in the case of a trust corporation does not include,

(i) "trust" or "fiducie" together with a designation such as "corporation", "company", "compagnie", "limited", "limitée" or "société", or

(ii) "trustco".

Idem

(2) Notwithstanding clause (1) (b), a corporation may have a name described in subclause (1) (b) (i) or (ii) upon complying with such conditions as may be prescribed.

Bilingual names

(3) Subject to this Act and the regulations, a corporation may have a name in an English form, a French form, an English form and a French form or a combined English and French form and it may be legally designated by any such name.

Change of name if objectionable

(4) Where, through inadvertence or otherwise, a provincial corporation has obtained a name contrary to this section, the Lieutenant Governor in Council, on the recommendation of the Superintendent, may issue supplementary letters patent changing the name of the corporation to a name specified in the supplementary letters patent.

Hearing

(5) Before making a recommendation under subsection (4), the Superintendent shall give the corporation an opportunity to be heard by him or her.

Decision is final

12.—(1) The decision of the Lieutenant Governor in Council to approve or reject an application for letters patent or supplementary letters patent, for an order of revival or for consent under section 145 is final and not subject to appeal, but nothing in this subsection prevents an applicant from making a new application.

(ii) à la dénomination sociale ou au nom connus sous lesquels une personne morale, une fiducie, une association, une société en nom collectif, une entreprise personnelle ou un particulier s'identifie ou exerce ses activités commerciales,

si l'emploi de la dénomination sociale ou du nom peut s'avérer trompeur;

c) dans le cas d'une compagnie de fiducie, ne reproduit pas les mots :

(i) soit «trust» ou «fiducie», ainsi qu'une désignation telle que «corporation», «company», «compagnie», «limited», «limitée» ou «société»,

(ii) soit «trustco».

Idem

(2) Malgré l'alinéa (1) b), la compagnie qui s'est conformée aux conditions prescrites peut porter la dénomination sociale énoncée au sous-alinéa (1) b) (i) ou (ii).

Dénominations sociales bilingues

(3) Sous réserve de la présente loi et des règlements, la compagnie peut avoir une dénomination sociale anglaise, une dénomination sociale française, une dénomination sociale dans chacune de ces deux langues ou une dénomination sociale qui présente une combinaison des deux langues. La compagnie peut être légalement désignée par n'importe laquelle de ses dénominations sociales.

Modification d'une dénomination sociale contestable

(4) Le lieutenant-gouverneur en conseil peut, sur la recommandation du surintendant, délivrer à la compagnie provinciale qui, par mégarde ou autrement, s'est vu attribuer une dénomination sociale non conforme aux dispositions du présent article, des lettres patentes supplémentaires modifiant sa dénomination sociale pour y substituer celle qui figure aux lettres patentes supplémentaires.

Audience

(5) Avant de faire la recommandation visée au paragraphe (4), le surintendant donne à la compagnie l'occasion de se faire entendre.

Décision définitive

12 (1) Est définitive et sans appel la décision du lieutenant-gouverneur en conseil d'approuver ou de rejeter une demande de lettres patentes, de lettres patentes supplémentaires, de décret de reconstitution ou une demande de consentement aux termes de l'article 145. Il est toutefois loisible à l'auteur de la demande d'en présenter une nouvelle.

Notice

(2) Where the Lieutenant Governor in Council approves or rejects an application for letters patent or supplementary letters patent, for an order of revival or for consent under section 145, the Superintendent shall forthwith notify the applicant in writing.

Powers of corporation

13. Subject to this Act and any terms, conditions and restrictions imposed on its registration, a provincial corporation,

(a) has the capacity and the rights, powers and privileges of a natural person; and

(b) has the capacity to carry on its business, conduct its affairs and exercise its powers in any jurisdiction outside Ontario to the extent that the laws of such jurisdiction permit.

PART III

WINDING UP, DISSOLUTION AND MERGER

Winding up R.S.O. 1980, c. 95

14. Except where Part VI of the *Corporations Act* is inconsistent with this Act, that Part applies to the winding up of a provincial corporation, substituting the word "Superintendent" for the word "Minister".

Cancellation for non-use

15.—(1) Where a provincial corporation fails to go into *bona fide* operation within two years of the date of incorporation or having done so it ceases *bona fide* operation for a period of two consecutive years, the Lieutenant Governor in Council, on the recommendation of the Superintendent and upon such terms and conditions as the Lieutenant Governor in Council considers appropriate, may order the cancellation of the instrument of incorporation of the corporation and it is dissolved on the date fixed in the order.

Hearing

(2) Before making a recommendation under subsection (1), the Superintendent shall give the corporation an opportunity to be heard by him or her.

Revival

(3) Where a provincial corporation has been dissolved under subsection (1), the Lieutenant Governor in Council may revive the corporation by order, upon the application therefor of any interested person.

Issue

(4) Upon the date set out in an order under subsection (3), the corporation, subject to such terms and conditions as may be set out in the order, is revived and, subject to any rights

(2) Lorsque le lieutenant-gouverneur en conseil approuve ou rejette la demande de lettres patentes, de lettres patentes supplémentaires, de décret de reconstitution ou la demande de consentement aux termes de l'article 145, le surintendant en informe sans délai par écrit l'auteur de la demande. Avis

13 Sous réserve de la présente loi et des conditions et restrictions rattachées à son inscription, la compagnie provinciale : Pouvoirs de la compagnie

a) a la capacité, les droits, pouvoirs et privilèges d'une personne physique;

b) a la capacité d'exploiter son entreprise, de diriger ses affaires et d'exercer ses pouvoirs dans une compétence législative autre que l'Ontario, dans les limites des lois de cette compétence législative.

PARTIE III

LIQUIDATION, DISSOLUTION ET FUSION

14 Sauf dans la mesure où la partie VI de la *Loi sur les compagnies et associations* est incompatible avec les dispositions de la présente loi, cette partie s'applique à la liquidation d'une compagnie provinciale, le mot «surintendant» étant alors substitué au mot «ministre». Liquidation L.R.O. 1980, chap. 95

15 (1) Le lieutenant-gouverneur en conseil peut, sur la recommandation du surintendant et aux conditions que le lieutenant-gouverneur en conseil juge pertinentes, ordonner l'annulation de l'acte constitutif de la compagnie provinciale dont l'exploitation effective n'a pas débuté dans les deux ans de sa constitution ou, ayant ainsi débuté, a été interrompue par la suite pendant deux années consécutives. La compagnie est alors dissoute à la date qui figure dans le décret. Annulation faute d'exploitation

(2) Avant de faire la recommandation visée au paragraphe (1), le surintendant donne à la compagnie l'occasion de se faire entendre. Audience

(3) Le lieutenant-gouverneur en conseil peut, à la demande d'une personne intéressée, prendre un décret de reconstitution de la compagnie provinciale dissoute aux termes du paragraphe (1). Reconstitution

(4) À la date fixée dans le décret pris aux termes du paragraphe (3) et aux conditions qui y sont énoncées, la compagnie est reconstituée. Celle-ci, sous réserve des droits acquis Délivrance

acquired by any person after the dissolution, the corporation is restored to its legal position, including all its property, rights and privileges and franchises, and is subject to all its liabilities, contracts, disabilities and debts, as of the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

Actions after dissolution

16.—(1) Notwithstanding the dissolution of a provincial corporation under section 15,

(a) every proceeding commenced in or before any court or tribunal by or against the corporation, its officers or directors before its dissolution may be continued as if the corporation had not been dissolved;

(b) a proceeding may be brought in or before any court or tribunal against the corporation, its officers or directors within five years after its dissolution as if the corporation had not been dissolved; and

(c) all real or personal property that would have been available to satisfy any judgment or order if the corporation had not been dissolved remains available for such purpose.

Service after dissolution

(2) For the purposes of this section, the service of any process on a provincial corporation after its dissolution shall be deemed to be sufficiently made if it is made upon any person last shown on the public file referred to in section 139 as being a director or officer of the corporation before the dissolution.

Idem

(3) Where any proceeding has been brought against a provincial trust corporation after its dissolution, notice of the commencement of the proceeding, together with the originating process by which the proceeding was commenced, shall be served upon the Public Trustee.

Liability of shareholders to creditors

17.—(1) Notwithstanding the dissolution of a provincial corporation under section 15, each shareholder to whom any of its property has been distributed is liable to any person claiming under section 16 to the extent of the amount received by that shareholder upon the distribution, and a proceeding to enforce such liability may be commenced within five years after the date of the dissolution of the corporation.

Idem

(2) The court hearing an action referred to in subsection (1) may order the action to be brought against the persons who

par une autre personne après la dissolution, recouvre son statut juridique premier de même que ses biens, droits, privilèges et concessions et est assujettie de nouveau et dans la même mesure aux obligations, contrats, incapacités et dettes qui existaient lors de la dissolution, comme si celle-ci n'avait pas eu lieu.

Recours après la dissolution

16 (1) Malgré la dissolution de la compagnie aux termes de l'article 15 :

a) l'instance introduite devant un tribunal judiciaire ou administratif par la compagnie ou contre elle, ses dirigeants ou ses administrateurs avant sa dissolution peut être poursuivie comme si la dissolution n'avait pas eu lieu;

b) une instance peut être introduite devant un tribunal judiciaire ou administratif contre la compagnie, ses dirigeants ou ses administrateurs dans les cinq ans qui suivent sa dissolution comme si celle-ci n'avait pas eu lieu;

c) les biens meubles et immeubles sur lesquels un jugement ou une ordonnance auraient pu être exécutés à défaut de la dissolution peuvent toujours servir à cette fin.

Signification après la dissolution

(2) Pour l'application du présent article, la signification à la compagnie provinciale de tout acte de procédure après la dissolution est réputée régulière, si elle est faite à l'un des administrateurs ou des dirigeants inscrit comme tel au dossier public visé à l'article 139 immédiatement avant la dissolution.

Idem

(3) Doivent être signifiés au Curateur public l'acte introductif ainsi que l'avis qui l'accompagne, dans le cas où une instance est introduite après la dissolution de la compagnie provinciale.

Responsabilité des actionnaires envers les créanciers

17 (1) Malgré la dissolution de la compagnie provinciale aux termes de l'article 15, les actionnaires entre lesquels ont été répartis les biens de la compagnie engagent leur responsabilité, jusqu'à concurrence de la somme reçue, envers la personne qui invoque l'article 16. L'instance en recouvrement peut être introduite dans les cinq ans qui suivent la dissolution.

Idem

(2) Le tribunal qui entend l'instance visée au paragraphe (1) peut ordonner qu'elle soit dirigée contre les actionnaires en

were shareholders as a class, subject to such conditions as the court thinks fit and, if the plaintiff establishes a claim, the court may refer the proceedings to a referee or other officer of the court.

Idem

(3) Where a reference is made under subsection (2), the referee or other officer may,

(a) add as a party to the proceedings before him or her each person who was a shareholder found by the plaintiff;

(b) determine, subject to subsection (1), the amount that each person who was a shareholder shall contribute towards satisfaction of the plaintiff's claim; and

(c) direct payment of the amounts so determined.

Definition "actionnaire"

(4) In this section, "shareholder" includes the heirs and personal representatives of a shareholder.

Forfeiture of undisposed property

18.—(1) All property of a provincial corporation that has not been disposed of at the date of its dissolution whether under this or any other Act is forfeit to the Crown.

Trust property

(2) All property that immediately before the dissolution of a provincial trust corporation was being held in trust by it shall be delivered forthwith by the persons who were its officers and directors before its dissolution to the Public Trustee.

Idem

(3) Where property is not delivered as required by subsection (2), the Public Trustee may do such things as may be necessary to obtain the property.

Idem

(4) All property received by the Public Trustee under subsections (2) and (3) shall be held in trust by the Public Trustee for the beneficiaries of the trusts.

Property available to satisfy order of court or tribunal

(5) Where an order is made in a proceeding referred to in section 16 and the order affects property forfeited to the Crown under subsection (1), the property shall be available to satisfy the order.

Amalgamation

19.—(1) Two or more corporations, of which at least one is a provincial corporation, may amalgamate and continue as one provincial corporation or as one extra-provincial corporation.

tant que groupe, sous réserve des conditions qu'il juge pertinentes. Si le demandeur établit le bien-fondé de sa demande, le tribunal peut renvoyer la question à un arbitre ou autre officier de justice.

Idem

(3) Dans le cas du renvoi visé au paragraphe (2), l'arbitre ou l'autre officier de justice peut :

a) joindre comme partie à l'instance chaque personne qui est un ancien actionnaire reconnu à ce titre par le demandeur;

b) déterminer, sous réserve du paragraphe (1), la part que chaque ancien actionnaire doit verser pour indemniser le demandeur;

c) ordonner le versement des sommes déterminées.

Définition «shareholder»

(4) Dans le présent article, «actionnaire» s'entend en outre de l'héritier et de l'ayant droit.

Dévolution

18 (1) Sont dévolus à la Couronne les biens de la compagnie provinciale qui n'ont pas été aliénés lors de sa dissolution en vertu de la présente loi ou d'une autre loi.

Biens en fiducie

(2) Les personnes qui étaient les dirigeants et administrateurs de la compagnie de fiducie provinciale lors de sa dissolution remettent sans délai au Curateur public les biens détenus en fiducie par celle-ci immédiatement avant la dissolution.

Idem

(3) Le Curateur public peut prendre les mesures nécessaires aux fins de se faire livrer les biens qui n'ont pas été remis conformément au paragraphe (2).

Idem

(4) Le Curateur public détient en fiducie, pour le compte de leurs titulaires, les biens qu'il reçoit aux termes des paragraphes (2) et (3).

Les biens peuvent servir à l'exécution de l'ordonnance

(5) Les biens dévolus à la Couronne en vertu du paragraphe (1) et sur lesquels porte l'ordonnance rendue lors de l'instance visée à l'article 16 peuvent servir à l'exécution de cette ordonnance.

Fusion

19 (1) Plusieurs compagnies, dont l'une au moins est une compagnie provinciale, peuvent fusionner en une seule compagnie provinciale ou en une seule compagnie extraprovinciale, et être ainsi prorogées.

Asset sale

(2) A provincial corporation may sell all or substantially all of its assets to a corporation incorporated in Canada if the purchasing corporation assumes all or substantially all of the liabilities of the provincial corporation.

Asset purchase

(3) A provincial corporation may purchase all or substantially all of the assets of a corporation incorporated in Canada if the provincial corporation assumes all or substantially all of the liabilities of the vendor corporation.

Compulsory acquisitions 1982, c. 4

(4) Part XV of the *Business Corporations Act, 1982* applies with necessary modifications with respect to every provincial corporation as if it were incorporated under that Act.

Mandatory agreement

20.—(1) Where corporations propose to amalgamate or purchase or sell assets under section 19, each such corporation shall enter into an agreement setting out the terms and means of effecting the amalgamation or purchase and sale.

When agreement effective

(2) An agreement for the amalgamation of corporations or the purchase or sale of all or substantially all of the assets of a corporation does not take effect until all approvals required by this Part have been given.

Contents of agreement, amalgamation

(3) Where corporations propose to amalgamate the agreement referred to in subsection (1) shall set out,

(a) the proposed name of the amalgamated corporation;

(b) the municipality or geographic township in Ontario and the address, including street name and number, if any, where the principal place of business of the amalgamated corporation is to be located;

(c) the classes of shares that the amalgamated corporation may issue and the rights and privileges, restrictions and conditions attaching to each class of share;

(d) the full name, address of residence, citizenship and occupation,

(i) of each of the first directors of the amalgamated corporation,

(ii) of every person who will hold immediately upon the amalgamation 10 per cent or more of any class of the shares of the amalgamated corporation;

Vente des éléments d'actif

(2) Une compagnie provinciale peut vendre la totalité ou la quasi-totalité de ses éléments d'actif à une compagnie constituée au Canada, à condition que la compagnie acheteuse en assume la totalité ou la quasi-totalité du passif.

Achat des éléments d'actif

(3) Une compagnie provinciale peut acheter la totalité ou la quasi-totalité des éléments d'actif d'une compagnie constituée au Canada, à condition d'en assumer la totalité ou la quasi-totalité du passif.

Acquisitions forcées
1982, chap. 4

(4) La partie XV de la *Loi de 1982 sur les compagnies* s'applique avec les adaptations nécessaires à la compagnie provinciale, comme s'il s'agissait d'une compagnie constituée aux termes de cette loi.

Convention obligatoire

20 (1) Chacune des compagnies qui se proposent de fusionner, d'acheter ou de vendre des éléments d'actif aux termes de l'article 19, conclut une convention qui énonce les modalités soit de la fusion, soit de l'achat et de la vente.

Prise d'effet de la convention

(2) La convention, soit de fusion de compagnies, soit d'achat ou de vente de la totalité ou de la quasi-totalité des éléments d'actif d'une compagnie, n'a pas d'effet avant d'avoir reçu toutes les approbations exigées par la présente partie.

Teneur de la convention de fusion

(3) La convention visée au paragraphe (1) conclue par les compagnies qui se proposent de fusionner énonce :

a) la dénomination sociale projetée de la compagnie issue de la fusion;

b) la municipalité ou le canton en Ontario ainsi que l'adresse, y compris le numéro du bâtiment et le nom de la rue, le cas échéant, où sera situé l'établissement principal de la compagnie issue de la fusion;

c) les catégories d'actions que la compagnie issue de la fusion est autorisée à émettre, ainsi que les droits, privilèges, restrictions et conditions rattachés à chaque catégorie;

d) les nom et prénoms au complet, l'adresse personnelle, la citoyenneté ainsi que la profession :

(i) de chacun des premiers administrateurs de la compagnie issue de la fusion,

(ii) de chaque personne qui, dès la fusion, détiendra 10 pour cent ou plus des actions d'une catégorie de la compagnie issue de la fusion;

(e) the manner of converting the shares of the amalgamating corporations into shares of the amalgamated corporation or of exchanging shares of the amalgamating corporations for shares of the amalgamated corporation;

(f) such other details as may be necessary to complete the amalgamation and to provide for the management and operation of the amalgamated corporation; and

(g) the proposed effective date of the amalgamation.

Idem

(4) Where one of the amalgamating corporations owns shares of another of the amalgamating corporations, other than in a fiduciary capacity, the agreement shall provide for the cancellation of such shares upon the amalgamation becoming effective without any repayment of capital in respect thereof, and no provision shall be made in the agreement for the conversion of such shares into shares or other securities of the amalgamated corporation.

Submission of agreement

(5) An agreement to amalgamate corporations or to purchase or sell all or substantially all of the assets of a corporation to another corporation shall be submitted to the shareholders of each corporation holding voting shares for their approval at a meeting thereof to be held separately for the purpose of taking the agreement into consideration.

Submission of offer

(6) Where an offer has been made to a corporation with respect to the purchase of all or substantially all of its assets and no agreement is reached, the offer, at the request of the corporation making the offer, shall be submitted to the shareholders of each corporation for their approval at a meeting thereof to be held separately for the purpose of taking the offer into consideration.

Notice of meeting

(7) Each corporation required by subsection (5) or (6) to hold a meeting shall deliver notice of the meeting and a copy of the agreement or offer to the Superintendent at least twenty-one days before the meeting.

Proceedings to approve agreement

21. At each of the meetings required by subsection 20 (5) or (6), the agreement or offer shall be considered, and if at each meeting the holders of at least 50 per cent of the issued voting shares of the corporation are present in person or represented by proxy and the agreement or offer is approved by resolution carried by the affirmative vote of the holders of at least three-fourths of the shares represented at such meeting, that fact shall be certified upon the agreement or offer by the secretary of each corporation.

e) le mode de conversion des actions des compagnies qui fusionnent en actions de la compagnie issue de la fusion, ou le mode d'échange des actions des compagnies qui fusionnent contre les actions de la compagnie issue de la fusion;

f) les autres précisions nécessaires pour réaliser la fusion et prévoir la gestion et l'exploitation de la compagnie issue de la fusion;

g) la date de prise d'effet de la fusion.

Idem

(4) Si l'une des compagnies qui fusionnent possède, sauf à titre de fiduciaire, des actions de l'une des autres compagnies, la convention prévoit l'annulation de ces actions dès la prise d'effet de la fusion, sans remboursement de capital à leur égard. La convention ne doit pas prévoir la conversion de ces actions en actions ou en autres valeurs mobilières de la compagnie issue de la fusion.

Présentation de la convention

(5) La convention, soit de fusion des compagnies, soit d'achat ou de vente de la totalité ou de la quasi-totalité des éléments d'actif d'une compagnie en faveur d'une autre, est soumise à l'approbation des actionnaires détenteurs d'actions assorties du droit de vote de chacune des compagnies, lors d'assemblées tenues séparément dans le but d'examiner la convention.

Présentation de l'offre

(6) Si l'offre d'achat de la totalité ou de la quasi-totalité de ses éléments d'actif présentée à une compagnie ne fait pas l'objet d'une convention, cette offre, à la demande de la compagnie qui en est l'auteur, est soumise à l'approbation des actionnaires de chacune des compagnies lors d'assemblées tenues séparément dans le but d'examiner l'offre.

Avis de l'assemblée

(7) Au moins vingt et un jours avant la tenue de l'assemblée obligatoire visée aux paragraphes (5) ou (6), chaque compagnie tenue de convoquer cette assemblée fait parvenir au surintendant un avis de convocation de l'assemblée ainsi qu'un exemplaire de la convention ou de l'offre.

Procédure d'approbation de la convention

21 La convention ou l'offre est examinée lors de chacune des assemblées dont les paragraphes 20 (5) ou (6) exigent la tenue. Si, à chacune de ces assemblées, les détenteurs d'au moins 50 pour cent des actions émises et assorties du droit de vote de la compagnie assistent en personne ou par fondé de pouvoir et que la convention ou l'offre est approuvée par résolution adoptée par le vote affirmatif des détenteurs d'au moins les trois quarts des actions qui y sont représentées, le secrétaire de chacune des compagnies atteste ce fait sur la convention ou l'offre.

Dispensing with approval

22.—(1) The Lieutenant Governor in Council, in the case of a proposed purchase of assets, may dispense with the approval of the agreement or offer by the shareholders of the purchasing corporation if the Lieutenant Governor in Council is satisfied that the shareholders, entitled to vote thereon, have approved a general resolution or by-law authorizing the purchase of the assets of any corporation upon the basis and within the limits specified in such agreement or offer.

When offer becomes agreement

(2) An offer to which subsection 20 (6) applies shall be deemed for all purposes to be an agreement when it has been certified by the secretary of the vendor corporation under section 21 and either it has been certified by the secretary of the purchasing corporation as required by that section or the approval of the offer by the shareholders of the purchasing corporation has been dispensed with under subsection (1).

Submission to Lieutenant Governor in Council

23.—(1) If the agreement is approved and certified in accordance with section 21 by each of the corporations or, in the case provided for in section 22, by the shareholders of the vendor corporation, the agreement, with the certificates or certificate thereon, shall be filed with the Superintendent and the Superintendent shall submit the agreement to the Lieutenant Governor in Council for approval.

Idem

(2) In the case of an amalgamation, an agreement filed under subsection (1) shall be accompanied by an application for initial registration under subsection 31 (1) for the amalgamated corporation and, if the amalgamated corporation will be a provincial corporation, by an application for supplementary letters patent.

Notice, information

(3) The Superintendent, upon the filing of an agreement and before submitting the agreement to the Lieutenant Governor in Council,

(a) shall require notice of the agreement, containing such information as the Superintendent may require, to be published by the parties to the agreement in *The Ontario Gazette*, and in a newspaper having general circulation in the locality where the principal place of business of each corporation is located and in the case of an amalgamation, in the locality where the principal place of business of the amalgamated corporation is to be located; and

(b) may require the parties to the agreement to provide such information, material and evidence as the Superintendent may consider necessary, in addition to the information, material and evidence required to be provided under any other provision of this Act.

Dispense d'approbation

22 (1) Dans le cas d'un achat projeté d'éléments d'actif, le lieutenant-gouverneur en conseil peut dispenser la compagnie acheteuse de solliciter l'approbation de ses actionnaires s'il est convaincu que les actionnaires ayant le droit de voter à cet égard ont adopté une résolution générale ou un règlement intérieur autorisant l'achat des éléments d'actif d'une compagnie selon les modalités et dans les limites précisées dans la convention ou dans l'offre.

Offre transformée en convention

(2) L'offre visée au paragraphe 20 (6) est réputée une convention lorsqu'elle a été attestée aux termes de l'article 21 par le secrétaire de la compagnie venderesse et, à moins que la compagnie acheteuse n'ait été dispensée de solliciter l'approbation de ses actionnaires en vertu du paragraphe (1), également attestée par le secrétaire de cette dernière.

Présentation au lieutenant-gouverneur en conseil

23 (1) La convention qui a reçu l'approbation et l'attestation de chacune des compagnies conformément à l'article 21 ou, dans le cas prévu à l'article 22, des actionnaires de la compagnie venderesse, est déposée, pourvue du ou des certificats exigés, auprès du surintendant. Ce dernier la présente au lieutenant-gouverneur en conseil pour son approbation.

Idem

(2) Dans le cas de fusion, la convention déposée aux termes du paragraphe (1) est accompagnée d'une demande de première inscription aux termes du paragraphe 31 (1) relative à la compagnie issue de la fusion et, si celle-ci doit être une compagnie provinciale, d'une demande de lettres patentes supplémentaires.

Avis, renseignements

(3) Lors du dépôt de la convention et avant sa présentation au lieutenant-gouverneur en conseil, le surintendant :

a) doit exiger que les parties à la convention publient dans la *Gazette de l'Ontario* et dans un journal généralement lu à l'endroit où est situé le principal établissement de chaque compagnie, l'avis de convention qui reproduit tous les renseignements qu'il exige. Dans le cas de fusion, cette publication a également lieu à l'endroit où sera situé l'établissement principal de la compagnie issue de la fusion;

b) peut exiger que les parties à la convention fournissent les renseignements, documents et pièces qu'il estime nécessaires, outre ceux dont la production est exigée en vertu d'une autre disposition de la présente loi.

Refusal of approval

(4) The Lieutenant Governor in Council shall refuse approval of the agreement unless it is shown to the satisfaction of the Lieutenant Governor in Council that,

(a) in the case of an amalgamation,

(i) there exists a public benefit and advantage for the amalgamation of the corporations,

(ii) the proposed management is fit, both as to character and as to competence, to manage the amalgamated corporation,

(iii) each person who will be a holder of 10 per cent or more of any class of shares of the amalgamated corporation immediately after the amalgamation can demonstrate the adequacy of their financial resources and is fit as to character to own 10 per cent or more of such class of shares,

(iv) each proposed first director is fit as to character and as to competence to be a director of the amalgamated corporation,

(v) the proposed plan of operations for the amalgamated corporation is feasible, and

(vi) the amalgamated corporation intends to offer to the public, initially or within a reasonable time after the amalgamation, the services set out in the amalgamation agreement;

(b) in the case of a purchase and sale of assets,

(i) there exists a public benefit and advantage if the purchase and sale is completed,

(ii) the proposed plan of operations for the purchasing corporation upon the closing of the purchase agreement is feasible;

(c) in the case where one of the parties to the agreement is a trust corporation and the amalgamated or purchasing corporation is a loan corporation, the arrangements referred to in subsection 29 (2) are adequate to protect the persons in relation to which the trust corporation, before the approval of the agreement, is acting in a fiduciary capacity; and

Refus d'approbation

(4) Le lieutenant-gouverneur en conseil refuse son approbation à la convention, à moins qu'il ne soit démontré à sa satisfaction :

a) dans le cas d'une fusion :

(i) que celle-ci est avantageuse pour le public,

(ii) que les membres proposés pour en assumer la direction sont aptes, du point de vue de la moralité et de la compétence, à gérer la compagnie issue de la fusion,

(iii) que chaque personne qui, dès la fusion, détiendra 10 pour cent ou plus des actions d'une catégorie de la compagnie issue de la fusion, est en mesure d'établir sa solvabilité et est apte, du point de vue de la moralité, à posséder 10 pour cent ou plus des actions de cette catégorie,

(iv) que chacun des futurs premiers administrateurs est apte, du point de vue de la moralité et de la compétence, à remplir cette fonction auprès de la compagnie issue de la fusion,

(v) que le programme d'exploitation projeté de la compagnie issue de la fusion est réalisable,

(vi) que la compagnie issue de la fusion se propose d'offrir au public dès la fusion ou dans un délai raisonnable par la suite, les services énoncés dans la convention de fusion;

b) dans le cas d'achat et de vente d'éléments d'actif :

(i) qu'il est avantageux pour le public de parfaire l'achat et la vente,

(ii) que le programme d'exploitation de la compagnie acheteuse projeté à la suite de la conclusion de la convention d'achat est réalisable;

c) si l'une des parties à la convention est une compagnie de fiducie et que la compagnie issue de la fusion ou la compagnie acheteuse est une compagnie de prêt, les arrangements visés au paragraphe 29 (2) suffisent à assurer la protection des personnes que la compagnie de fiducie représentait en cette qualité avant l'approbation de la convention;

(d) where the amalgamated corporation is a loan corporation, the amalgamated corporation immediately after the amalgamation will have a capital base of at least $5,000,000 or, where the amalgamated corporation is a trust corporation, the amalgamated corporation immediately after the amalgamation will have a capital base of at least $10,000,000.

Definition "certificat du surintendant"

24.—(1) In this section, "Superintendent's certificate" means a certificate issued under subsection (2).

Superintendent's certificate

(2) Where the Lieutenant Governor in Council approves an agreement submitted under subsection 23 (1), the Superintendent shall issue a certificate certifying,

(a) that the approval of the Lieutenant Governor in Council has been given and the date of the approval;

(b) in the case of a purchase or sale of assets, the name of each corporation that is a party to the transaction and whether the party is a vendor or a purchaser;

(c) in the case of an amalgamation, the names of the corporations that are amalgamating, the name of the amalgamated corporation and the date upon which the amalgamation takes effect; and

(d) such other matters, if any, as in the opinion of the Lieutenant Governor in Council are necessary or desirable in the public interest.

Effect as evidence

(3) A Superintendent's certificate is *prima facie* proof of all matters set out therein.

Notice

(4) Notice of the issue of a Superintendent's certificate shall be published in *The Ontario Gazette* by the Superintendent.

Certificate of Superintendent

(5) Any document signed by or purportedly signed by the Superintendent, certifying the document to be or to contain a true copy of the Superintendent's certificate or of any instrument referred to in the certificate, may be registered in any land registry office upon it being tendered for registration accompanied by the proper fee, if any.

Registration

(6) It is sufficient in order to show the vesting of land or interests in land in the continuing corporation to register a certified copy of the Superintendent's certificate in each land registry office in which instruments affecting land or interests in land, included or intended to be included in the amalgamation or purchase and sale, are registered.

d) si la compagnie issue de la fusion est une compagnie de prêt, la compagnie issue de la fusion aura, dès la fusion, un apport en capital d'au moins 5 000 000 $ ou, si la compagnie issue de la fusion est une compagnie de fiducie, un apport en capital d'au moins 10 000 000 $.

Définition «Superintendent's certificate»

24 (1) Dans le présent article, «certificat du surintendant» s'entend du certificat délivré aux termes du paragraphe (2).

Certificat du surintendant

(2) Lorsque le lieutenant-gouverneur en conseil a approuvé une convention présentée aux termes du paragraphe 23 (1), le surintendant délivre un certificat qui atteste ce qui suit :

a) l'approbation du lieutenant-gouverneur en conseil ainsi que la date où il l'a donnée;

b) dans le cas d'achat ou de vente d'éléments d'actif, la dénomination sociale de chacune des parties ainsi que sa qualité de venderesse ou d'acheteuse;

c) dans le cas de fusion, les dénominations sociales des compagnies qui fusionnent, celle de la compagnie issue de la fusion ainsi que la date de mise à effet de la fusion;

d) les autres éléments qui, de l'avis du lieutenant-gouverneur en conseil, sont nécessaires ou souhaitables dans l'intérêt public.

Force probante

(3) Le certificat du surintendant fait foi *prima facie* de son contenu.

Avis

(4) Le surintendant publie un avis de délivrance du certificat dans la *Gazette de l'Ontario*.

Certificat du surintendant

(5) Le document qui porte ou qui se présente comme portant la signature du surintendant, et qui atteste qu'il constitue ou reproduit une copie certifiée conforme du certificat du surintendant ou de l'acte auquel il est renvoyé dans le certificat, peut être enregistré à tout bureau d'enregistrement immobilier dès sa présentation à cette fin, accompagné des droits exigés, le cas échéant.

Enregistrement

(6) Aux fins de signaler que des biens-fonds ou des droits fonciers sont acquis à la compagnie prorogée, il suffit d'enregistrer une copie certifiée conforme du certificat du surintendant dans chaque bureau d'enregistrement immobilier où sont enregistrés les actes qui concernent les biens-fonds ou les droits fonciers compris dans la fusion ou l'achat et la vente ou censés en faire partie.

Security interest R.S.O. 1980, c. 375

(7) For the purposes of the *Personal Property Security Act*, it is sufficient, in order to show the vesting in the continuing corporation of any interest in personal property that constitutes a security interest within the meaning of that Act and for which one of the amalgamating corporations is shown as a secured party in any financing statement registered under that Act, for a financing change statement to be registered in respect of the vesting as if the interest had been assigned.

Assets of vendor corporation vest in purchasing corporation

25.—(1) In the case of a purchase of all or substantially all of the assets of a corporation that has been approved by the Lieutenant Governor in Council, the assets purchased from the vendor corporation become vested in the purchasing corporation on and from the date of the approval without any further conveyance, and the purchasing corporation thereupon becomes and is responsible for the liabilities of the vendor corporation assumed under the agreement.

Disposal of assets by purchasing corporation

(2) In dealing with the assets of the vendor corporation, it is sufficient for the purchasing corporation to recite the agreement, the approval of the Lieutenant Governor in Council thereto and the date of approval.

Rights of creditors

26.—(1) A sale of the assets of a corporation does not affect the rights of any creditor of the vendor corporation.

Privity of contract between purchasing corporation and creditors of vendor corporation

(2) An agreement made or purporting to be made under this Act to purchase all or substantially all of the assets of a corporation shall be deemed to contain, in relation to the liabilities assumed under the agreement, an agreement with each creditor of the vendor corporation that the purchasing corporation will pay to the creditor the amount of the vendor corporation's liability to the creditor at such time and place as the amount that would have been payable had the agreement to purchase not been made.

Dissolution of vendor corporation

(3) The vendor corporation is dissolved from the date of the approval by the Lieutenant Governor in Council of the agreement to sell all or substantially all of its assets, except so far as is necessary to give full effect to the agreement or unless the Lieutenant Governor in Council orders otherwise.

Amalgamation

27.—(1) In the case of an amalgamation,

(a) if the amalgamated corporation is a provincial corporation, the parties to the amalgamation, from the date set out in the letters patent of amalgamation, shall continue as one provincial corporation under the name stated in the letters patent;

(7) Pour l'application de la *Loi sur les sûretés mobilières*, aux fins de signaler que des droits mobiliers qui constituent des sûretés au sens de cette loi sont acquis à la compagnie prorogée, et que l'une des compagnies qui fusionnent figure en tant que créancier garanti de ces sûretés dans un état de financement enregistré aux termes de cette loi, il suffit d'enregistrer un état de modification du financement comme s'il y avait eu cession de la sûreté.

Sûretés
L.R.O. 1980, chap. 375

25 (1) Lorsque l'achat de la totalité ou de la quasi-totalité des éléments d'actif d'une compagnie a été approuvé par le lieutenant-gouverneur en conseil, les éléments d'actif achetés de la compagnie venderesse sont acquis à la compagnie acheteuse, sans autre forme de cession, à compter de la date de l'approbation. La compagnie acheteuse devient alors responsable des éléments du passif de la compagnie venderesse qu'elle assume aux termes de la convention.

Éléments d'actif de la compagnie venderesse acquis à la compagnie acheteuse

(2) En négociant les éléments d'actif de la compagnie venderesse, il suffit que la compagnie acheteuse cite la convention, l'approbation du lieutenant-gouverneur en conseil et la date de cette approbation.

Aliénation des éléments d'actif par la compagnie acheteuse

26 (1) La vente des éléments d'actif de la compagnie venderesse ne porte pas atteinte aux droits de ses créanciers.

Droits des créanciers

(2) La convention conclue aux termes de la présente loi, ou se présentant comme étant ainsi conclue, en vue de l'achat de la totalité ou de la quasi-totalité des éléments d'actif d'une compagnie est réputée assortie, en ce qui concerne les éléments du passif qui sont assumés aux termes de la convention, d'une convention conclue avec chacun des créanciers de la compagnie venderesse en vertu de laquelle la compagnie acheteuse s'acquittera envers le créancier du montant de l'obligation de la compagnie venderesse à la date et au lieu auxquels la compagnie venderesse aurait dû verser ce montant, n'était cette convention d'achat.

Lien de droit contractuel entre la compagnie acheteuse et les créanciers de la compagnie venderesse

(3) La compagnie venderesse est dissoute à compter de la date de l'approbation par le lieutenant-gouverneur en conseil de la convention de vente de la totalité ou de la quasi-totalité des éléments de son actif, sauf dans la mesure nécessaire pour mettre la convention à effet et sauf décret contraire du lieutenant-gouverneur en conseil.

Dissolution de la compagnie venderesse

27 (1) Dans le cas de fusion :

Fusion

a) si la compagnie issue de la fusion est une compagnie provinciale, les parties qui fusionnent sont, à compter de la date fixée dans les lettres patentes de fusion, prorogées comme une seule compagnie provinciale qui porte la dénomination sociale énoncée dans les lettres patentes;

(b) if the amalgamated corporation is an extra-provincial corporation, every provincial corporation that is a party to the agreement is, from the effective date of the amalgamation under the laws of the jurisdiction under which the continuing corporation is incorporated, amalgamated with the other parties to the agreement and it shall continue with them as one corporation;

(c) the amalgamated corporation possesses all the property, rights, privileges and franchises and is subject to all liabilities, including civil, criminal and quasi-criminal liabilities, and all contracts, disabilities and debts of each of the amalgamating corporations;

(d) a conviction against, or ruling, order or judgment in favour of or against an amalgamating corporation may be enforced by or against the amalgamated corporation;

(e) the letters patent of amalgamation are deemed to be the instrument of incorporation of the amalgamated corporation; and

(f) the amalgamated corporation shall be deemed to be the party plaintiff or the party defendant, as the case may be, in any civil proceeding commenced by or against an amalgamating corporation before the amalgamation has become effective.

Continuation in another jurisdiction

(2) Where the amalgamating corporations are to continue as one extra-provincial corporation and one or more, but not all, parties to the amalgamation agreement are provincial corporations, the parties to the amalgamation agreement may apply to the proper officer of the jurisdiction specified in the amalgamation agreement for an instrument amalgamating and continuing them as one corporation under the laws of that jurisdiction and, incidental to the application, every provincial corporation that is a party to the agreement may apply to the proper officer of that jurisdiction for an instrument continuing it as if it had been incorporated under the laws of that jurisdiction.

Acquisition of assets or amalgamation by purchase of shares

28.—(1) In addition to its powers under section 19, for the purpose of either acquiring the assets of any other corporation in Canada or amalgamating with any such corporation under this Part, a corporation may purchase not less than 67 per cent of the outstanding shares of any such corporation, subject to the following:

b) si la compagnie issue de la fusion est une compagnie extraprovinciale, chacune des compagnies provinciales partie à la convention est, à compter de la date de mise à effet de la fusion selon les lois du territoire de constitution de la compagnie issue de la fusion, fusionnée avec les autres parties à la convention et toutes sont prorogées comme une seule compagnie;

c) les biens, droits, privilèges et concessions de chacune des compagnies qui fusionnent passent à la compagnie issue de la fusion à qui sont alors imposés les obligations, contrats, incapacités et dettes de celles-ci de même que toute responsabilité civile, pénale ou quasi-pénale;

d) toute décision judiciaire ou quasi-judiciaire rendue en faveur d'une compagnie qui fusionne ou contre elle peut être exécutée par la compagnie issue de la fusion ou à l'encontre de celle-ci;

e) les lettres patentes de fusion sont réputées l'acte constitutif de la compagnie issue de la fusion;

f) la compagnie issue de la fusion est réputée partie demanderesse ou partie défenderesse, selon le cas, dans toute instance civile engagée avant la mise à effet de la fusion par une compagnie qui fusionne ou à l'encontre de celle-ci.

Prorogation sous le régime d'une autre compétence législative

(2) Si les compagnies qui fusionnent continuent leur existence comme une seule compagnie extraprovinciale et qu'un certain nombre seulement des parties à la convention de fusion sont des compagnies provinciales, les parties à cette convention peuvent s'adresser au fonctionnaire attitré auprès de la compétence législative indiquée à la convention en vue d'obtenir un acte constitutif les fusionnant et prorogeant leur existence comme une seule compagnie en vertu des lois de cette compétence législative. À la suite de cette demande, chacune des compagnies provinciales parties à la convention peut également s'adresser à ce fonctionnaire en vue d'obtenir un acte constitutif qui proroge la compagnie comme si elle avait été constituée en vertu des lois de cette compétence législative.

Acquisition des éléments d'actif ou fusion au moyen de l'achat d'actions

28 (1) Outre les pouvoirs qui lui sont attribués par l'article 19, et en vue d'acquérir des éléments d'actif d'une autre compagnie au Canada ou de fusionner avec cette dernière en vertu de la présente partie, une compagnie peut acheter au moins 67 pour cent des actions en circulation de cette compagnie, sous réserve des conditions suivantes :

1. No such purchase shall be made except with the prior approval of the Lieutenant Governor in Council.

2. The Lieutenant Governor in Council shall deny approval unless it is shown to the satisfaction of the Lieutenant Governor in Council that,

    i. there exists a public benefit and advantage for the purchase,

    ii. the management of the purchasing corporation is fit both as to character and as to competence, to manage the corporation as it will exist after it completes the purchase of the assets or the amalgamation,

    iii. each person who holds 10 per cent or more of any class of shares of the purchasing corporation can demonstrate the adequacy of their financial resources and is fit as to character to own 10 per cent or more of such class of shares,

    iv. each director is fit as to character and as to competence to be a director of the corporation as it will exist after it completes the purchase of the assets or the amalgamation, and

    v. the proposed plan of operations for the corporation as it will exist after it completes the purchase of the assets or the amalgamation is feasible.

3. The Lieutenant Governor in Council may approve the purchase where,

    i. an offer to purchase shares has been accepted,

        A. in writing by the holders of at least 67 per cent of the outstanding voting shares of such other corporation, or

        B. by resolution or resolutions carried by the affirmative vote of the holders of at least 67 per cent of the outstanding voting shares of each class of such corporation at a general meeting of the shareholders thereof, and

1. L'achat doit recevoir l'approbation préalable du lieutenant-gouverneur en conseil.

2. Le lieutenant-gouverneur en conseil rejette la demande, à moins qu'il ne soit convaincu que les conditions suivantes sont réunies :

   i. que cet achat est avantageux pour le public,

   ii. que les membres de la direction de la compagnie acheteuse sont aptes, du point de vue de la moralité et de la compétence, à gérer celle-ci conformément à la constitution qu'aura la compagnie dès que sera parfait l'achat des éléments d'actif ou la fusion,

   iii. que chaque personne qui détient 10 pour cent ou plus des actions d'une catégorie de la compagnie acheteuse, est en mesure d'établir sa solvabilité et est apte, du point de vue de la moralité, à posséder 10 pour cent ou plus des actions de cette catégorie,

   iv. que chacun des administrateurs est apte, du point de vue de la moralité et de la compétence, à exercer cette fonction auprès de la compagnie conformément à la constitution qu'aura la compagnie dès que sera parfait l'achat des éléments d'actif ou la fusion,

   v. qu'est réalisable le programme d'exploitation projeté de la compagnie envisagé selon la constitution qu'elle aura dès que sera parfait l'achat des éléments d'actif ou la fusion.

3. Le lieutenant-gouverneur en conseil peut donner son approbation à l'achat lorsque :

   i. d'une part, l'offre d'achat des actions a été acceptée :

      A. soit par écrit par les détenteurs d'au moins 67 pour cent des actions en circulation assorties du droit de vote de l'autre compagnie,

      B. soit par résolution adoptée par le vote affirmatif des actionnaires détenant au moins 67 pour cent des actions en circulation assorties du droit de vote de chaque catégorie, exprimé lors d'une assem-

ii. the offer to purchase has been submitted to a general meeting of the shareholders of the purchasing corporation at which the holders of at least 50 per cent of the issued voting shares of the corporation are present in person or represented by proxy and the purchase is approved by resolution carried by the affirmative vote of the holders of at least three-fourths of the shares represented at such meeting.

4. A corporation may purchase shares under this section notwithstanding any other provision of this Act so long as the provisions of this section are satisfied.

5. Where a corporation has purchased shares under this section, it shall within a period of two years after the purchase has been approved by the Lieutenant Governor in Council proceed under this Part either to acquire the assets and assume the duties, obligations and liabilities of the other corporation or amalgamate with the other corporation, but the Lieutenant Governor in Council, on being satisfied that the circumstances so warrant, may extend such period from time to time.

6. After the expiration of the period referred to in paragraph 5 and every extension thereof, the Superintendent may direct the corporation to dispose of the shares.

Consideration for shares

(2) The consideration for the shares acquired under this section may be cash or securities of the purchasing corporation or may be partly cash and partly securities of the purchasing corporation or may be such other consideration as may be agreed upon.

No power to purchase own shares

(3) Nothing in this section shall be construed as authorizing a corporation to purchase or acquire its own shares.

Application

(4) A corporation purchasing shares under this section shall file an application for the approval required by subsection (1) with the Superintendent.

Notice, information

(5) The Superintendent, upon the filing of an application for the approval required by subsection (1),

(a) shall require notice of the purchase, containing such information as the Superintendent may require, to

blée générale des actionnaires de cette compagnie,

ii. d'autre part, l'offre d'achat a été présentée lors d'une assemblée générale des actionnaires de la compagnie acheteuse, à laquelle les détenteurs d'au moins 50 pour cent des actions émises de la compagnie assorties du droit de vote assistaient en personne ou par fondé de pouvoir et que l'achat a été approuvé par résolution adoptée par le vote affirmatif des détenteurs d'au moins les trois quarts des actions qui y étaient représentées.

4. Malgré toute disposition contraire de la présente loi, la compagnie peut faire l'achat d'actions aux termes du présent article.

5. La compagnie qui fait l'achat d'actions aux termes du présent article est tenue, dans les deux ans de l'approbation de cet achat par le lieutenant-gouverneur en conseil, de prendre aux termes de la présente partie les mesures nécessaires aux fins soit d'acquérir les éléments d'actif et d'assumer les obligations et dettes de l'autre compagnie, soit de fusionner avec elle. Toutefois, si le lieutenant-gouverneur en conseil est convaincu de la nécessité de cette mesure, il peut proroger le délai, même à plusieurs reprises.

6. Le surintendant peut enjoindre à la compagnie de se départir des actions à l'expiration du délai visé à la disposition 5 ou de sa prorogation.

Contrepartie en retour des actions

(2) La contrepartie offerte en retour des actions acquises en vertu du présent article peut se composer de sommes en espèces ou de valeurs mobilières de la compagnie acheteuse ou d'une combinaison des deux ou peut revêtir toute autre forme convenue.

Pas de pouvoir d'acheter ses propres actions

(3) Le présent article n'a pas pour effet d'autoriser la compagnie à acheter ou acquérir ses propres actions.

Demande

(4) La compagnie qui achète des actions en vertu du présent article dépose auprès du surintendant la demande visée au paragraphe (1).

Avis, renseignements

(5) Lors du dépôt de la demande d'approbation visée au paragraphe (1), le surintendant :

a) doit exiger que l'auteur de la demande publie dans la *Gazette de l'Ontario* et dans un journal générale-

be published by the applicant in *The Ontario Gazette*, and in a newspaper having general circulation in the locality where the principal place of business of each corporation is located and, in the case of an amalgamation, in the locality where the principal place of business in Ontario of the continuing corporation is to be located; and

(b) may require the parties to the agreement to provide such information, material and evidence as the Superintendent may consider necessary, in addition to the information, material and evidence required to be provided under any other provision of this Act.

Definition "compagnie qui fait l'acquisition"

29.—(1) In this section, "acquiring corporation" means,

(a) the amalgamated corporation resulting from the amalgamation of one or more corporations; or

(b) a corporation that purchases the assets of another corporation,

under this Part and for the purposes of subsections (5), (6) and (7) includes a corporation that is a transferee of the business in relation to which a trust corporation that is a party to an agreement of amalgamation or purchase and sale of assets acted as a fiduciary.

Transfer of estate, trust and agency business

(2) Before making the filing with the Superintendent required by subsection 23 (1), where one or more of the corporations that is a party to the amalgamation or purchase of assets is a trust corporation and the acquiring corporation is to be a loan corporation, the parties to the transaction shall make such arrangements as may be necessary to transfer to another trust corporation the business in relation to which the trust corporation acted as a fiduciary but this subsection does not apply so as to require a trust corporation to transfer to another trust corporation money received by it as deposits.

Deposits

(3) Where the acquiring corporation is,

(a) a trust corporation and one of the parties to the amalgamation or purchase of assets is a loan corporation,

(i) deposits received by the loan corporation under clause 155 (1) (a) shall be deemed to be deposits received under clause 155 (2) (a), and

ment lu à l'endroit où est situé le principal établissement de chaque compagnie, l'avis d'achat qui reproduit les renseignements qu'il exige. Dans le cas de fusion, cette publication a également lieu à l'endroit où sera situé en Ontario l'établissement principal de la compagnie issue de la fusion;

b) peut exiger que les parties à la convention fournissent les renseignements, documents et pièces qu'il estime nécessaires, outre ceux dont la production est exigée en vertu d'une autre disposition de la présente loi.

Définition «acquiring corporation»

29 (1) Pour l'application du présent article, «compagnie qui fait l'acquisition» s'entend de :

a) la compagnie issue de la fusion d'une ou de plusieurs compagnies;

b) la compagnie qui achète les éléments d'actif d'une autre compagnie,

aux termes de la présente partie. Pour l'application des paragraphes (5), (6) et (7), le terme s'entend en outre de la compagnie qui est cessionnaire des activités que la compagnie de fiducie partie à la convention de fusion ou d'achat et de vente des éléments d'actif exerçait en qualité de fiduciaire.

Transfert des activités de fiducie

(2) Avant que ne soit effectué le dépôt, exigé par le paragraphe 23 (1), du document auprès du surintendant, lorsque la compagnie qui fait l'acquisition est une compagnie de prêt et que l'une au moins des parties à la fusion ou à l'achat des éléments d'actif est une compagnie de fiducie, les parties à l'acte prennent les mesures nécessaires pour céder à une autre compagnie de fiducie les activités que la compagnie de fiducie exerce en qualité de fiduciaire, à l'exclusion des sommes d'argent qu'elle a reçues à titre de dépôts.

Dépôts

(3) Lorsque la compagnie qui fait l'acquisition est :

a) une compagnie de fiducie, et que l'une des parties à la fusion ou à l'achat des éléments d'actif est une compagnie de prêt :

(i) les dépôts reçus par la compagnie de prêt en vertu de l'alinéa 155 (1) a) sont réputés reçus en vertu de l'alinéa 155 (2) a),

(ii) deposits received by the loan corporation under clause 155 (1) (b) shall be deemed to be deposits received under clause 155 (2) (b); and

(b) a loan corporation and one of the parties to the amalgamation or purchase of assets is a trust corporation,

(i) deposits received by the trust corporation under clause 155 (2) (a) shall be deemed to be deposits received under clause 155 (1) (a), and

(ii) deposits received by the trust corporation under clause 155 (2) (b) shall be deemed to be deposits received under clause 155 (1) (b).

Trust to pass

(4) On the approval of the Lieutenant Governor in Council as provided in section 23 to the amalgamation or purchase and sale of assets,

(a) in a case to which subsection (2) applies, all trusts of every kind and description, including incomplete or inchoate trusts, and every duty assumed by or binding upon the transferor of the business in relation to which the trust corporation that was a party to the amalgamation or purchase and sale is making the transfer are vested in and bind and may be enforced against the transferee as fully and effectually as if it had been originally named as the fiduciary in the instrument; and

(b) in any other case, all trusts of every kind and description, including incomplete or inchoate trusts, and every duty assumed by or binding upon the parties to the purchase and sale, or to the amalgamation, are vested in and bind and may be enforced against the acquiring corporation as fully and effectually as if it had been originally named as the fiduciary in the instrument.

Subject-matter of trust to vest in acquiring corporation

(5) Wherever in an instrument any estate, money or other property, or any interest, possibility or right is intended at the time or times of the publishing, making or signing of the instrument to be thereafter vested in or administered or managed by or put in the charge of the vendor corporation or of any of the amalgamating corporations as fiduciary, the name of the acquiring corporation shall be deemed to be substituted

(ii) les dépôts reçus par la compagnie de prêt en vertu de l'alinéa 155 (1) b) sont réputés reçus en vertu de l'alinéa 155 (2) b);

b) une compagnie de prêt, et que l'une des parties à la fusion ou à l'achat des éléments d'actif est une compagnie de fiducie :

(i) les dépôts reçus par la compagnie de fiducie en vertu de l'alinéa 155 (2) a) sont réputés reçus en vertu de l'alinéa 155 (1) a),

(ii) les dépôts reçus par la compagnie de fiducie en vertu de l'alinéa 155 (2) b) sont réputés reçus en vertu de l'alinéa 155 (1) b).

Passation de la fiducie

(4) Dès l'approbation par le lieutenant-gouverneur en conseil de la fusion ou de l'achat et de la vente des éléments d'actif, comme le prévoit l'article 23 :

a) dans le cas prévu au paragraphe (2), sont acquises au cessionnaire les fiducies de toutes espèces, y compris les fiducies non parfaites ou incomplètes, ainsi que les obligations qui incombaient au cédant des activités dont la compagnie de fiducie partie à la fusion ou à l'achat et à la vente effectue le transfert. Les fiducies et obligations sont alors susceptibles d'exécution à l'encontre du cessionnaire dans la même mesure que si celui-ci avait été le fiduciaire original désigné dans l'acte;

b) dans tous les autres cas, les fiducies de toutes espèces, y compris les fiducies non parfaites ou incomplètes sont acquises à la compagnie qui fait l'acquisition, ainsi que les obligations qui incombaient aux parties à l'achat et à la vente. Les fiducies et les obligations sont alors susceptibles d'exécution à l'encontre de la compagnie qui fait l'acquisition dans la même mesure que si elle avait été le fiduciaire original désigné dans l'acte.

Objet de la fiducie acquis à la compagnie qui fait l'acquisition

(5) Lorsque les termes de l'acte qui constate une succession, une somme d'argent ou un autre bien, intérêt, droit ou avantage possible, stipulent, au moment de la publication, de la rédaction ou de la signature de celui-ci, que les droits précités doivent par la suite être acquis à la compagnie venderesse ou l'une des compagnies qui fusionnent, ou que celle-ci doit en assurer la gestion ou les prendre en charge en tant que fiduciaire, la dénomination sociale de la compagnie qui fait l'ac-

for the name of the vendor or amalgamating corporation, and such instrument vests the subject-matter therein described in the acquiring corporation according to the tenor of, and at the time indicated or intended by the instrument, and the acquiring corporation shall be deemed to stand in the place and stead of the vendor or amalgamating corporation.

References in will or codicil

(6) Where the name of the vendor corporation or of any of the amalgamating corporations appears as executor, trustee, guardian, or curator in a will or codicil, such will or codicil shall be read, construed and enforced as if the acquiring corporation was so named therein, and it has, in respect of the will or codicil, the same status and rights as the vendor or amalgamating corporation.

Duties not completed

(7) In all probates, administrations, guardianships, curatorships or appointments of administrator or litigation guardian issued or made by any court in Ontario to the vendor corporation or to any of the amalgamating corporations, from which at the date of the approval of the Lieutenant Governor in Council it had not been finally discharged, the acquiring corporations shall *ipso facto* be substituted therefor.

PART IV

REGISTRATION

Registration

30.—(1) The duty of determining, distinguishing and registering the corporations that under this Act are required to be registered and may be acceptable for registration, and of granting registration accordingly, is upon the Superintendent.

Registers continued

(2) The registers known as the "Loan Companies' Register" and the "Trust Companies' Register" are hereby continued as the "Loan Corporations' Register" (*"Registre des compagnies de prêt"*) and "Trust Corporations' Register" (*"Registre des compagnies de fiducie"*), respectively.

Superintendent to keep registers

(3) The Superintendent shall keep the registers and shall cause to be recorded,

(a) in the Loan Corporations' Register, the name of each loan corporation that has been granted registration together with such terms, conditions and restrictions as may be set out by the Superintendent and such other particulars as may be prescribed; and

quisition est réputée substituée à celle de la compagnie venderesse ou de la compagnie qui fusionne. Au moment précisé ou projeté selon les termes de l'acte, l'objet qui y est indiqué est acquis à la compagnie qui fait l'acquisition et celle-ci est réputée remplacer la compagnie venderesse ou la compagnie qui fusionne.

Mentions au testament ou codicille

(6) Le testament ou codicille dans lequel la compagnie venderesse ou l'une des compagnies qui fusionnent figure à titre d'exécuteur testamentaire, de fiduciaire, de tuteur ou de curateur, doit se lire, s'interpréter et s'exécuter comme si la compagnie qui fait l'acquisition y était elle-même désignée. Cette dernière jouit à cet égard de la même qualité et des mêmes droits que la compagnie venderesse ou la compagnie qui fusionne.

Obligations à remplir

(7) La compagnie qui fait l'acquisition est substituée, à la date de l'approbation du lieutenant-gouverneur en conseil, à la compagnie venderesse ou à la compagnie qui fusionne, en ce qui concerne toutes lettres d'homologation, lettres d'administration, tutelles, curatelles ou désignations d'administrateurs ou de tuteurs à l'instance qui émanent d'un tribunal de l'Ontario en faveur de celles-ci et dont elles n'étaient pas libérées définitivement à cette date.

PARTIE IV

INSCRIPTION

Inscription

30 (1) Il incombe au surintendant de déterminer, de différencier et, si elles s'avèrent acceptables à cette fin, d'inscrire les compagnies dont la présente loi requiert l'inscription.

Prorogation des registres

(2) Les registres connus sous les appellations de «Loan Companies' Register» et «Trust Companies' Register» sont prorogés sous les appellations de «Registre des compagnies de prêt» («*Loan Corporations' Register*») et «Registre des compagnies de fiducie» («*Trust Corporations' Register*»), respectivement.

Le surintendant a la garde des registres

(3) Le surintendant a la garde des registres et veille à l'inscription :

a) dans le Registre des compagnies de prêt, de la dénomination sociale de chacune de ces compagnies qui a obtenu son inscription, ainsi que des conditions et restrictions fixées par le surintendant et des autres mentions prescrites;

(b) in the Trust Corporations' Register, the name of each trust corporation that has been granted registration together with such terms, conditions and restrictions as may be set out by the Superintendent and such other particulars as may be prescribed.

Idem

(4) A corporation may be registered in either the Loan Corporations' Register or the Trust Corporations' Register.

Idem

(5) The Superintendent shall note in the appropriate register,

(a) all terms, conditions and restrictions imposed on the registration of a corporation;

(b) the fact that the registration of a corporation has been revoked;

(c) the fact that a registered loan corporation has been continued as a registered trust corporation or *vice versa*.

Application for registration

31.—(1) A corporation duly constituted or incorporated under the laws of Ontario or of Canada or of another province or territory of Canada may apply for initial registration as a loan corporation or as a trust corporation.

Change

(2) A registered loan corporation may apply to change its registration to that of a trust corporation and a registered trust corporation may apply to change its registration to that of a loan corporation.

Idem

(3) A registered corporation may apply to amend the terms, conditions and restrictions of its registration.

Definition "demande d'inscription"

(4) In this section and sections 32 to 34, "application for registration" means an application under subsection (1) for initial registration, an application under subsection (2) for a change in registration or an application under subsection (3) to change terms, conditions and restrictions imposed on a registration.

Material to be furnished

(5) An application for registration shall follow the prescribed form and shall be filed with the Superintendent together with such information, material and evidence as the form may specify.

b) dans le Registre des compagnies de fiducie, de la dénomination sociale de chacune de ces compagnies qui a obtenu son inscription, ainsi que des conditions et restrictions fixées par le surintendant et des autres mentions prescrites.

Idem (4) Une compagnie peut être inscrite soit au Registre des compagnies de prêt, soit à celui des compagnies de fiducie.

Idem (5) Le surintendant porte au registre approprié les mentions suivantes :

a) les conditions et restrictions rattachées à l'inscription d'une compagnie;

b) la révocation de l'inscription d'une compagnie;

c) le fait que la compagnie de prêt inscrite a été prorogée en compagnie de fiducie inscrite ou vice versa.

Demande d'inscription **31** (1) Une compagnie dûment constituée en vertu des lois de l'Ontario, du Canada, d'une autre province ou d'un territoire du Canada, peut faire une demande de première inscription en tant que compagnie de prêt ou compagnie de fiducie.

Changement (2) La compagnie de prêt inscrite peut demander que son inscription soit changée en celle de compagnie de fiducie et vice versa.

Idem (3) La compagnie inscrite peut déposer une demande en vue d'obtenir une modification des conditions et restrictions rattachées à son inscription.

Définition «application for registration» (4) Pour l'application du présent article et des articles 32 à 34, «demande d'inscription» s'entend de la demande de première inscription aux termes du paragraphe (1), de la demande de changement de l'inscription aux termes du paragraphe (2) et de la demande de modification des conditions et restrictions rattachées à l'inscription aux termes du paragraphe (3).

Documents prescrits (5) La demande d'inscription est rédigée selon la formule prescrite, déposée auprès du surintendant et accompagnée des renseignements, documents et pièces mentionnés dans la formule.

Notice, additional information

(6) Where the Superintendent receives an application for the registration, the Superintendent may require notice of the application, containing such information as the Superintendent may require, to be published by the applicant in *The Ontario Gazette* and in a newspaper having general circulation in the locality where the principal place of business of the corporation is located or is to be located.

Additional information

(7) Where the Superintendent receives an application for the registration of a corporation, the Superintendent may require the applicant to provide such information, material and evidence as the Superintendent may consider necessary, in addition to the information, material and evidence required to be provided in or with the application.

Protection of depositors

(8) An application for registration shall be accompanied by evidence that the corporation will from the time of registration be a member of the Canada Deposit Insurance Corporation or that the corporation's deposits will be insured by some other similar public agency approved by the Superintendent up to the maximum amounts permitted by the agency.

Estate, trust and agency services

(9) An application for registration as a trust corporation shall set out the classes of services in relation to which the corporation proposes to act in a fiduciary capacity.

Registration of extra-provincial corporations

32.—(1) Where an extra-provincial corporation applies for registration, the application shall be accompanied by a power of attorney from the corporation to an agent or agents resident in Ontario and an undertaking to the Superintendent signed by the proper corporate officers that the corporation and its subsidiaries will provide such information as the Superintendent may request and will adhere to this Act and to the terms, conditions and restrictions, if any, imposed on its registration.

Execution of power of attorney

(2) A power of attorney under this section shall be under the seal of the corporation, if required in the jurisdiction of incorporation of the corporation, and shall be signed by the president and secretary or other proper officers thereof in the presence of a witness.

Authentication

(3) An undertaking under this section shall be accompanied by a certified copy of the resolution of the board of directors authorizing the corporation's officers to apply for registration under this Act and authorizing the execution of the undertaking.

Avis et renseignements supplémentaires

(6) Sur réception d'une demande d'inscription, le surintendant peut exiger de l'auteur de la demande que ce dernier publie dans la *Gazette de l'Ontario* et dans un journal généralement lu à l'endroit où est ou sera situé l'établissement principal de la compagnie, un avis de la demande qui reproduit les renseignements qu'il exige.

Renseignements supplémentaires

(7) Sur réception d'une demande d'inscription d'une compagnie, le surintendant peut exiger que l'auteur de la demande fournisse, outre ceux qui doivent accompagner la demande ou y figurer, les renseignements, documents et pièces qu'il juge nécessaires.

Protection des déposants

(8) La demande d'inscription est accompagnée d'une preuve que la compagnie sera, dès le moment de l'inscription, membre de la Société d'assurance-dépôts du Canada ou que ses dépôts seront assurés par un autre organisme public semblable approuvé par le surintendant, jusqu'à concurrence de la somme maximale permise par cet organisme.

Services fiduciaires

(9) La demande d'inscription en tant que compagnie de fiducie précise les catégories de services que la compagnie se propose d'offrir en sa qualité de fiduciaire.

Inscription des compagnies extraprovinciales

32 (1) La demande d'inscription déposée par une compagnie extraprovinciale est accompagnée d'une procuration donnée à un ou plusieurs mandataires qui ont leur résidence en Ontario, ainsi que d'un engagement qui porte la signature des dirigeants attitrés de la compagnie. L'engagement prévoit que la compagnie et ses filiales fourniront au surintendant les renseignements qu'il peut exiger et se conformeront à la présente loi et aux conditions et restrictions, le cas échéant, rattachées à leur inscription.

Signatures apposées à la procuration

(2) La procuration visée au présent article porte le sceau de la compagnie, si ce dernier est requis par les lois du territoire de constitution de la compagnie, ainsi que les signatures du président et du secrétaire ou des dirigeants attitrés, apposées en présence d'un témoin.

Authentification

(3) L'engagement pris aux termes du présent article est accompagné d'une copie certifiée conforme d'une résolution du conseil d'administration dont les termes autorisent les dirigeants de la compagnie à déposer la demande d'inscription, ainsi qu'à signer l'engagement.

Contents of power of attorney

(4) A power of attorney under this section shall be in the prescribed form and shall be accompanied by the affidavit or statutory declaration of the witness referred to in subsection (2) attesting to the due execution of the power of attorney.

Effect of copy as evidence

(5) A copy of a power of attorney under this section certified by the Superintendent is sufficient evidence for all purposes of the power and authority of the person or persons named therein to act on behalf of the corporation in the manner and for the purposes set forth in the certified copy.

Changes in chief agent or agency

(6) When an extra-provincial corporation changes any of its agents in Ontario, it shall forthwith file with the Superintendent a new power of attorney in the prescribed form.

Rejection of application

33. The Superintendent shall reject an application for registration,

(a) unless the capital base of the corporation is at least $5,000,000 in the case of a loan corporation and $10,000,000 in the case of a trust corporation;

(b) unless the corporation has satisfied the Superintendent that it has the capacity and power to engage in the activities of a loan corporation or a trust corporation, as the case may be;

(c) if the applicant is not a corporation described in subsection 31 (1);

(d) unless it is shown to the satisfaction of the Superintendent that,

(i) there exists a public benefit and advantage for the registration of an additional corporation of the kind for which registration is sought,

(ii) the management is fit, both as to character and as to competence, to manage a corporation of the kind for which registration is sought,

(iii) each person who will be a holder of 10 per cent or more of any class of shares of the applicant immediately after the registration can demonstrate the adequacy of their financial resources and is fit as to character to own 10 per cent or more of such class of shares,

Teneur de la procuration

(4) La procuration aux termes du présent article est rédigée selon la formule prescrite et est accompagné de l'affidavit ou de la déclaration solennelle du témoin visé au paragraphe (2), qui atteste la signature en bonne et due forme de la procuration.

La copie fait foi

(5) La copie de la procuration visée au présent article, certifiée conforme par le surintendant, fait foi des pouvoirs et du mandat attribués dans la procuration aux personnes qui y sont nommées pour agir au nom de la compagnie, de la manière et pour les fins énoncées dans la copie certifiée conforme.

Changement de mandataire

(6) La compagnie extraprovinciale qui change l'un de ses mandataires en Ontario dépose sans délai auprès du surintendant une nouvelle procuration rédigée selon la formule prescrite.

Rejet de la demande

33 Le surintendant rejette la demande d'inscription :

a) à moins que l'apport en capital de la compagnie ne soit d'au moins 5 000 000 $ dans le cas de la compagnie de prêt, et d'au moins 10 000 000 $ dans le cas de la compagnie de fiducie;

b) à moins que la compagnie n'ait convaincu le surintendant qu'elle est dotée de la capacité et des pouvoirs nécessaires à l'exercice des activités d'une compagnie de prêt ou d'une compagnie de fiducie, selon le cas;

c) à moins que l'auteur de la demande ne soit une compagnie visée au paragraphe 31 (1);

d) à moins que le surintendant ne soit convaincu de ce qui suit :

(i) qu'il est avantageux pour le public de procéder à l'inscription d'une nouvelle compagnie du genre de celle dont on sollicite l'inscription,

(ii) que les membres de la direction de la compagnie sont aptes, du point de vue de la moralité et de la compétence, à gérer une compagnie du genre de celle dont on sollicite l'inscription,

(iii) que chaque personne qui, dès l'inscription, détiendra 10 pour cent ou plus des actions d'une catégorie de l'auteur de la demande, est

(iv) each director is fit, both as to character and as to competence, to be a director of the corporation of the kind for which registration is being sought,

(v) the proposed plan of operations of the corporation is feasible, and

(vi) the applicant intends to offer, to the public, initially or within a reasonable time after registration, the services set out in the application for registration and the applicant has the capability to provide such services; or

(e) if the Superintendent is not satisfied as to the adequacy of any information received with or in support of the application for registration.

Approval subject to conditions and restrictions

34.—(1) Where the Superintendent is not satisfied as to all of the matters referred to in clause 33 (a), (b) or (d), the Superintendent in lieu of rejecting the application may approve the application for registration of the applicant,

(a) as a corporation of a kind other than that which the application for registration was made and subject to such terms, conditions and restrictions as the Superintendent may impose; or

(b) as the kind of corporation for which the application for registration was made but subject to such terms, conditions and restrictions as the Superintendent may impose.

Hearing

(2) Before rejecting an application or before granting an application subject to terms, conditions and restrictions, the Superintendent shall give the corporation an opportunity to be heard before him or her.

Voluntary terms and conditions

35. With the consent of the registered corporation, the Superintendent may impose terms, conditions and restrictions on the registration of a corporation or terms, conditions and restrictions in addition to those previously imposed on the registration of the corporation and subsection 34 (2) does not apply to such terms, conditions and restrictions.

Cancellation of registration on request of corporation

36. At the request of a registered corporation, the Superintendent may revoke its registration subject to such terms, conditions and restrictions as the Superintendent may impose.

en mesure d'établir sa solvabilité et est apte, du point de vue de la moralité, à posséder 10 pour cent ou plus des actions de cette catégorie,

(iv) que chacun des administrateurs est apte, du point de vue de la moralité et de la compétence, à remplir cette fonction auprès d'une compagnie du genre de celle dont on sollicite l'inscription,

(v) que le programme d'exploitation projeté est réalisable,

(vi) que l'auteur de la demande se propose d'offrir au public dès son inscription ou dans un délai raisonnable par la suite, les services énoncés dans la demande d'inscription et que celui-ci est effectivement en mesure de les fournir;

e) s'il n'est pas convaincu que les renseignements reçus avec la demande d'inscription ou à l'appui de celle-ci sont adéquats.

Approbation assujettie à des conditions et restrictions

34 (1) S'il conserve des doutes en ce qui concerne l'observation des normes visées aux alinéas 33 a), b) ou d), le surintendant peut, au lieu de rejeter la demande, approuver l'inscription de son auteur :

a) en tant que compagnie d'un genre différent de celui sollicité par la demande d'inscription, sous réserve des conditions et restrictions qu'il peut fixer;

b) en tant que compagnie du genre sollicité, mais sous réserve des conditions et restrictions qu'il peut fixer.

Audience

(2) Avant de rejeter une demande, ou de l'accueillir sous réserve de conditions et de restrictions, le surintendant donne à la compagnie l'occasion de se faire entendre.

Conditions volontaires

35 Le surintendant, avec le consentement de la compagnie inscrite, peut assortir l'inscription d'une compagnie de conditions et de restrictions ou en ajouter à celles déjà existantes et, dans ce cas, le paragraphe 34 (2) ne s'y applique pas.

Radiation de l'inscription à la demande de la compagnie

36 Le surintendant, à la demande de la compagnie inscrite, peut révoquer l'inscription de celle-ci sous réserve des conditions et restrictions qu'il fixe.

Names

37.—(1) Subject to subsection (2), no corporation shall be registered that has a name,

(a) that contains a word or expression prohibited by this Act or the regulations or does not contain a word or expression required by this Act or the regulations or that in any other manner does not comply with this Act or the regulations;

(b) that is the same or similar to,

(i) the name of a known,

(A) body corporate,

(B) trust,

(C) association,

(D) partnership,

(E) sole proprietorship, or

(F) individual,

whether in existence or not, or

(ii) the known name under which any body corporate, trust, association, partnership, sole proprietorship or individual carries on business or identifies itself,

if the use of that name would be likely to deceive; or

(c) that in the case of a trust corporation does not include,

(i) "trust" or "fiducie" together with a designation such as "corporation", "company", "compagnie", "limited", "limitée" or "société", or

(ii) "trustco".

Idem

(2) Notwithstanding clause (1) (b), a corporation may be registered with a name described in subclause (1) (b) (i) or (ii) upon complying with such conditions as may be prescribed.

Dénominations sociales

37 (1) Sous réserve du paragraphe (2), ne doit pas être inscrite la compagnie dont la dénomination sociale :

a) reproduit un mot ou une expression prohibés par la présente loi ou les règlements, ne les reproduit pas alors qu'ils sont requis ou qui pour un autre motif n'est pas conforme à la présente loi ou aux règlements;

b) est identique ou semblable :

(i) à la dénomination sociale ou au nom :

(A) d'une personne morale,

(B) d'une fiducie,

(C) d'une association,

(D) d'une société en nom collectif,

(E) d'une entreprise personnelle,

(F) d'un particulier,

qui est connu, qu'il existe ou non,

(ii) à la dénomination sociale ou au nom connus sous lesquels une personne morale, une fiducie, une association, une société en nom collectif, une entreprise personnelle ou un particulier s'identifie ou exerce ses activités commerciales, si l'emploi de la dénomination sociale ou du nom peut s'avérer trompeur;

c) dans le cas d'une compagnie de fiducie, ne reproduit pas les mots :

(i) soit «trust» ou «fiducie», ainsi qu'une désignation telle que «corporation», «company», «compagnie», «limited», «limitée» ou «société»,

(ii) soit «trustco».

Idem

(2) Malgré l'alinéa (1) b), la compagnie qui porte une dénomination sociale décrite aux sous-alinéas (1) b) (i) ou (ii) peut être inscrite si elle s'est conformée aux conditions prescrites.

Bilingual names

(3) Subject to this Act and the regulations, a corporation may be registered that has a name in an English form, a French form, an English form and a French form or a combined English and French form and it may be legally designated in Ontario by any such name.

Use of different name may be required

(4) Where a corporation has a name that contravenes subsection (1), the Superintendent may register the corporation if it undertakes either to change its name to a name that does not contravene subsection (1) or to carry on business in Ontario under a name that does not contravene subsection (1).

Change of name

(5) Where, through inadvertence or otherwise, a corporation has obtained registration under a name that contravenes subsection (1), the Superintendent, after giving the corporation an opportunity to be heard, may order as a condition of registration that the corporation carry on business under a name specified in the order.

Deemed registration

38.—(1) A corporation that, immediately before the coming into force of this section, was registered under the *Loan and Trust Corporations Act*, being chapter 249 of the Revised Statutes of Ontario, 1980, as a loan corporation or a trust company, shall be deemed to be registered under this Act as a loan corporation or a trust corporation, as the case may be.

Conditions, change of registrations

(2) If the Superintendent is of the opinion that, had a corporation to which subsection (1) applies been required to make an application for initial registration under subsection 31 (1), he or she would not have approved the application except as provided in subsection 34 (1), the Superintendent may by order,

(a) change the registration of the corporation from that of a loan corporation to that of a trust corporation or *vice versa*;

(b) impose terms, conditions and restrictions on the registration of the corporation.

Time limit

(3) The Superintendent shall not make an order under subsection (2) unless, within one year of the coming into force of this section, the Superintendent gives the corporation notice of the intention to make the order.

Hearing

(4) Before making an order under subsection (2), the Superintendent shall give the corporation an opportunity to be heard.

Dénominations sociales bilingues

(3) Sous réserve de la présente loi et des règlements, peut être inscrite la compagnie qui porte une dénomination sociale anglaise, une dénomination sociale française, une dénomination sociale dans chacune de ces deux langues ou une dénomination sociale qui présente une combinaison des deux langues. La compagnie peut être légalement désignée en Ontario par n'importe laquelle de ses dénominations sociales.

Emploi d'une dénomination sociale différente

(4) Le surintendant peut inscrire la compagnie dont la dénomination sociale contrevient au paragraphe (1), si celle-ci s'engage, soit à substituer à sa dénomination sociale une autre qui est conforme à ce paragraphe, soit à exercer ses activités commerciales en Ontario sous une dénomination sociale également conforme à ce paragraphe.

Modification d'une dénomination sociale contestable

(5) Si, par mégarde ou autrement, la compagnie a été inscrite sous une dénomination sociale non conforme au paragraphe (1), le surintendant peut, après lui avoir donné l'occasion de se faire entendre, ordonner que l'inscription de la compagnie soit subordonnée au fait qu'elle exerce ses activités en Ontario sous la dénomination sociale qu'il précise dans l'ordonnance.

Inscription réputée

38 (1) La compagnie qui était, immédiatement avant l'entrée en vigueur du présent article, inscrite en vertu de la *Loi sur les compagnies de prêt et de fiducie*, qui constitue le chapitre 249 des Lois refondues de l'Ontario de 1980, en tant que compagnie de prêt ou compagnie de fiducie, est réputée inscrite en vertu de la présente loi en tant que compagnie de prêt ou compagnie de fiducie, selon le cas.

Conditions, changement de l'inscription

(2) Lorsque le surintendant est d'avis qu'il n'aurait pas approuvé (sauf de la manière que prévoit le paragraphe 34 (1)) la demande d'une compagnie visée par le paragraphe (1) si celle-ci avait été tenue de présenter une demande de première inscription aux termes du paragraphe 31 (1), le surintendant peut, au moyen d'une ordonnance :

a) changer l'inscription de la compagnie en tant que compagnie de prêt en inscription en tant que compagnie de fiducie, ou vice versa;

b) assortir l'inscription de la compagnie de conditions et de restrictions.

Délai

(3) Le surintendant ne prend pas l'ordonnance visée au paragraphe (2), à moins d'avoir donné à la compagnie, dans l'année qui suit l'entrée en vigueur du présent article, un avis de son intention à cet égard.

Audience

(4) Avant de prendre l'ordonnance visée au paragraphe (2), le surintendant donne à la compagnie l'occasion de se faire entendre.

Registration of extra-provincial corporations

39.—(1) An extra-provincial corporation shall not be registered if under its instrument of incorporation, its by-laws or the laws of the jurisdiction in which it is incorporated, the corporation and its shareholders, directors, officers, employees and auditors are unable to satisfy the requirements of sections 59 to 68, subsections 89 (2), (3), (4) and (5), sections 90, 96, 98, 100, 101, 103, 106, 107, 108, 109, 110 and 112 and Part IX.

Idem

(2) Upon the registration of an extra-provincial corporation, the provisions of this Act referred to in subsection (1) apply to it and its shareholders, directors, officers, employees and auditors as if the corporation were a provincial corporation.

Idem

(3) It shall be deemed to be a term of registration of every extra-provincial corporation that its registration expires forthwith if its instrument of incorporation, its by-laws or the laws of the jurisdiction in which it was incorporated are amended so that the corporation or the individuals referred to in subsection (1) are unable to satisfy the provisions of this Act referred to in that subsection.

Idem

(4) If the Superintendent is of the opinion that the depositors will be adequately protected, he or she may register or continue the registration of an extra-provincial corporation that would otherwise be ineligible under this section for registration because,

(a) compliance with the provision of this Act referred to in subsection (1) would be a contravention of the law of its jurisdiction of incorporation; or

(b) enabling legislation would be required in its jurisdiction of incorporation before a provision of this Act referred to in subsection (1) could be satisfied,

and the provision of this Act does not apply so long as it cannot be satisfied.

PART V

SHARES AND SHAREHOLDERS

Deemed liability

40. For the purposes of sections 47, 48, 50 and 54, deposits in a trust corporation shall be deemed to be a liability of the corporation notwithstanding that the deposit is held by it as trustee.

Inscription des compagnies extraprovinciales

39 (1) Une compagnie extraprovinciale ne doit pas être inscrite si, aux termes de son acte constitutif, de son règlement intérieur ou des lois de son territoire de constitution, la compagnie et ses actionnaires, administrateurs, dirigeants, employés et vérificateurs ne sont pas en mesure de se conformer aux exigences des articles 59 à 68, des paragraphes 89 (2), (3), (4) et (5), des articles 90, 96, 98, 100, 101, 103, 106, 107, 108, 109, 110 et 112 et de la partie IX.

Idem

(2) Dès l'inscription de la compagnie extraprovinciale, les dispositions de la présente loi visées au paragraphe (1) s'appliquent à la compagnie et à ses actionnaires, administrateurs, dirigeants, employés et vérificateurs comme s'il s'agissait d'une compagnie provinciale.

Idem

(3) Est réputée constituer une condition d'inscription de la compagnie extraprovinciale celle qui entraîne la caducité de son inscription dès l'avènement d'une modification à son acte constitutif, à son règlement intérieur ou aux lois de son territoire de constitution qui a pour effet d'empêcher la compagnie ou les personnes physiques visées au paragraphe (1) de se conformer aux dispositions de la présente loi qui y sont énoncées.

Idem

(4) Si le surintendant est d'avis que la protection offerte aux déposants sera suffisante, il peut inscrire une compagnie extraprovinciale, ou maintenir son inscription en vigueur, malgré le fait qu'elle ne satisfasse pas par ailleurs aux conditions d'inscription ou de maintien en vigueur de son inscription :

a) soit parce que le fait de se conformer à une disposition de la présente loi mentionnée au paragraphe (1) constituerait une contravention aux lois de son territoire de constitution;

b) soit parce qu'il faudrait qu'une loi d'habilitation soit adoptée dans son territoire de constitution avant qu'une disposition de la présente loi mentionnée au paragraphe (1) ne puisse être observée.

La disposition de la présente loi ne s'applique alors pas à la compagnie tant que la disposition ne puisse être observée.

PARTIE V

ACTIONS ET ACTIONNAIRES

Éléments du passif réputés

40 Pour l'application des articles 47, 48, 50 et 54, sont réputés éléments du passif de la compagnie les dépôts effectués auprès d'une compagnie de fiducie, malgré le fait que ceux-ci soient détenus par la compagnie en tant que fiduciaire.

Shares

41.—(1) Shares of a provincial corporation shall be in registered form and shall be without nominal or par value.

Idem

(2) Shares with a nominal or par value of a provincial corporation incorporated before the day this section comes into force shall be deemed to be shares without nominal or par value.

Common shares

42.—(1) Every provincial corporation shall have one class of shares designated as "common shares" in which the rights of the holders thereof are equal in all respects and shall include,

(a) the right to vote at all meetings of shareholders;

(b) the right to receive the remaining property of the corporation upon dissolution; and

(c) the right to receive dividends of the corporation if declared on such shares.

Other classes of shares

(2) Classes of shares in addition to common shares may be provided for in the instrument of incorporation and the rights, privileges, restrictions and conditions attaching to the shares of each class shall be set out in the instrument of incorporation but such shares shall not be designated as "common shares" or by any variation of that term.

Issuance of shares

(3) Subject to this Act and the instrument of incorporation, shares may be issued at such time and to such persons and for such consideration as the directors may determine.

Shares non-assessable

(4) Shares issued by a provincial corporation are non-assessable and the holders are not liable to the provincial corporation or to its creditors in respect thereof.

Fully paid shares

(5) On and after the day this section comes into force, a share in a provincial corporation shall not be issued until the consideration for the share is fully paid in Canadian dollars and received by the corporation.

Separate capital account

43.—(1) A provincial corporation shall maintain a separate stated capital account for each class and series of shares it issues.

Idem

(2) A provincial corporation shall add to the appropriate stated capital account in respect of any shares it issues the full amount of the consideration.

Actions

41 (1) Les actions d'une compagnie provinciale sont nominatives sans valeur au pair ni nominale.

Idem

(2) Les actions d'une compagnie provinciale constituée avant l'entrée en vigueur du présent article sont réputées sans valeur au pair ni valeur nominale.

Actions ordinaires

42 (1) La compagnie provinciale possède une catégorie d'actions désignée sous l'appellation d'«actions ordinaires», dont les détenteurs ont des droits égaux, notamment ceux :

a) de voter aux assemblées des actionnaires;

b) de partager entre eux le reliquat des biens de la compagnie lors de la dissolution;

c) de recevoir les dividendes déclarés sur ces actions, le cas échéant.

Autres catégories d'actions

(2) L'acte constitutif peut prévoir d'autres catégories d'actions et dans ce cas les droits, privilèges, conditions et restrictions qui se rattachent aux actions de chaque catégorie y sont énoncés. Ces actions ne doivent toutefois pas être désignées sous l'appellation d'«actions ordinaires» ou d'une variante de celle-ci.

Émission d'actions

(3) Sous réserve de la présente loi et de l'acte constitutif, la compagnie peut émettre des actions dont les administrateurs déterminent la date d'émission, ainsi que les personnes qui peuvent souscrire et l'apport qu'elles doivent fournir.

Actions libérées

(4) L'émission d'une action est libératoire quant à l'apport exigible de son détenteur.

Actions entièrement libérées

(5) Dès le jour de l'entrée en vigueur du présent article, les actions ne doivent pas être émises avant d'avoir été entièrement libérées en monnaie canadienne que la compagnie a effectivement reçue.

Compte capital distinct

43 (1) La compagnie provinciale tient un compte capital déclaré distinct pour chacune des catégories et séries d'actions émises.

Idem

(2) La compagnie provinciale porte au crédit du compte pertinent le montant total de l'apport reçu en contrepartie des actions émises.

Limitation on additions to stated capital account

(3) On the issue of a share, a provincial corporation shall not add to a stated capital account in respect of the share an amount greater than the amount referred to in subsection (2).

Transition

(4) Notwithstanding subsection (2), on the day this Act comes into force, the amount in the stated capital account maintained by a provincial corporation in respect of each class or series of shares then issued shall be equal to the aggregate amount paid up on the shares of each such class or series of shares immediately prior thereto, and a provincial corporation may, upon complying with subsection (5), add to the stated capital account maintained by it in respect of any class or series of shares any amount it has credited to a retained earnings or other surplus account.

Special resolution additions to stated capital account

(5) Where a provincial corporation proposes to add any amount, other than an amount to be added under subsection 54 (2), to a stated capital account that it maintains in respect of a class or series of shares, the addition to the stated capital account must be approved by special resolution if,

(a) the amount to be added,

(i) was not received by the provincial corporation as consideration for the issue of shares, or

(ii) was received by the provincial corporation as consideration for the issue of shares but does not form part of the stated capital attributable to such shares; and

(b) the provincial corporation has outstanding shares of more than one class or series.

Idem

(6) Where a class or series of shares of a provincial corporation would be affected by the addition of an amount to any stated capital account in a situation where a special resolution is required under subsection (5) in a manner different from the manner in which any other class or series of shares of the provincial corporation would be affected by such action, the holders of the differently affected class or series of shares are entitled to vote separately as a class or series, as the case may be, on the proposal to take the action, whether or not such shares otherwise carry the right to vote.

Special shares in series

44.—(1) Subject to its instrument of incorporation, the directors of a provincial corporation may authorize the issue of any class of shares other than common shares in one or more series and they may fix the number of shares in, and determine the designation, rights, privileges, restrictions and conditions attaching to the shares of each series.

Limites aux imputations au compte capital déclaré

(3) Lorsqu'elle émet une action, la compagnie provinciale ne doit pas porter au crédit de son compte capital déclaré relativement à cette action un montant supérieur à celui visé au paragraphe (2).

Disposition transitoire

(4) Malgré le paragraphe (2), le jour de l'entrée en vigueur de la présente loi, le compte capital déclaré relatif à chaque catégorie ou série d'actions alors émises de la compagnie provinciale est égal au montant total reçu pour les actions libérées de chacune d'elles immédiatement avant cette date. La compagnie provinciale peut, après s'être conformée au paragraphe (5), porter au crédit du compte capital déclaré relatif à une catégorie ou série d'actions les sommes auparavant portées au crédit d'un compte de bénéfices non répartis ou d'un autre compte de surplus.

Résolution spéciale, imputation au compte capital déclaré

(5) L'imputation d'une somme au compte capital déclaré relatif aux actions d'une catégorie ou d'une série, autrement qu'en vertu du paragraphe 54 (2), doit être approuvé par résolution spéciale si :

a) d'une part, la somme à porter au crédit :

(i) n'a pas été reçue par la compagnie provinciale en contrepartie de l'émission d'actions,

(ii) a été reçue par la compagnie provinciale en contrepartie de l'émission d'actions, mais ne fait pas partie du capital déclaré relatif à ces actions;

b) d'autre part, la compagnie provinciale compte des actions en circulation de plusieurs catégories ou séries.

Idem

(6) Dans le cas où l'imputation d'une somme à un compte capital déclaré d'une compagnie provinciale aurait une incidence particulière sur une catégorie ou une série distincte d'actions lorsqu'une résolution spéciale est exigée aux termes du paragraphe (5), leurs détenteurs ont le droit de voter séparément sur la proposition en tant que détenteurs de ces actions, que celles-ci comportent ou non le droit de vote.

Émission d'actions spéciales en série

44 (1) Sous réserve de son acte constitutif, les administrateurs de la compagnie provinciale peuvent autoriser l'émission d'une catégorie d'actions autres que les actions ordinaires en une ou plusieurs séries, fixer le nombre d'actions et la désignation de chaque série et déterminer les droits, privilèges, restrictions et conditions rattachés aux actions de chaque série.

Proportionate abatement

(2) If any amount,

(a) of cumulative dividends, whether or not declared, or declared non-cumulative dividends; or

(b) payable on return of capital in the event of the liquidation, dissolution or winding up of a provincial corporation,

in respect of shares of a series is not paid in full, the shares of the series shall participate rateably with the shares of all other series of the same class in respect of,

(c) all accumulated cumulative dividends, whether or not declared, and all declared non-cumulative dividends; or

(d) all amounts payable on return of capital in the event of the liquidation, dissolution or winding up of the corporation,

as the case may be.

No priority of shares of same class

(3) No rights, privileges, restrictions or conditions attached to a series of shares whose issue is authorized under this section shall confer upon the shares of a series a priority in respect of,

(a) dividends; or

(b) return of capital in the event of the liquidation, dissolution or winding up of the corporation,

over the shares of any other series of the same class.

Conversion privileges

45.—(1) A provincial corporation may issue warrants as evidence of conversion privileges or options or rights to acquire its securities and it shall set out the conditions thereof,

(a) in certificates evidencing the securities to which the conversion privileges, options or rights are attached; or

(b) in separate certificates or other documents.

Idem

(2) Conversion privileges and options or rights to purchase securities of a provincial corporation may be made transferable or non-transferable, and options or rights to purchase may be made separable or inseparable from any securities to which they are attached.

(2) Lorsque : Diminution proportionnelle

a) soit un dividende cumulatif, déclaré ou non, ou un dividende déclaré non cumulatif;

b) soit un remboursement du capital lors de la liquidation ou de la dissolution de la compagnie provinciale,

relativement aux actions d'une série, n'est pas versé en entier, les actions de cette série participent au prorata avec les autres actions de toutes les autres séries de la même catégorie en ce qui concerne, selon le cas :

c) les dividendes accumulés, déclarés ou non, ainsi que les dividendes déclarés non cumulatifs;

d) le remboursement du capital lors de la liquidation ou de la dissolution de la compagnie.

(3) Les droits, privilèges, restrictions et conditions rattachés aux actions d'une série dont l'émission est autorisée en vertu du présent article ne doivent pas leur conférer de traitement préférentiel au préjudice des actions d'une autre série de la même catégorie en ce qui a trait : Aucun traitement préférentiel dans une même catégorie d'actions

a) aux dividendes;

b) au remboursement du capital lors de la liquidation ou de la dissolution.

45 (1) La compagnie provinciale peut délivrer des bons de souscription attestant des privilèges de conversion, des options ou des droits d'acquérir ses valeurs mobilières, aux conditions qu'elle énonce : Privilèges de conversion

a) soit dans des certificats attestant les valeurs mobilières auxquelles ces privilèges de conversion, options ou droits se rattachent;

b) soit dans des certificats distincts ou dans d'autres documents.

(2) Les privilèges de conversion peuvent être négociables ou non négociables. Il en est de même pour les options et les droits d'acquérir des valeurs mobilières de la compagnie, qui peuvent être séparables ou non des valeurs mobilières auxquelles ils se rattachent. Idem

Corporation to maintain sufficient reserve

(3) Where a provincial corporation has granted privileges to convert any securities, other than shares issued by it, into shares of the corporation or has issued or granted options or rights to acquire shares of the corporation and, where the instrument of incorporation limits the number of authorized shares, the corporation shall reserve and continue to reserve sufficient authorized shares to meet the exercise of such conversion privileges, options and rights.

Subsidiaries not to hold shares in holding body corporate

46. Except as provided in sections 47 to 49, a provincial corporation,

(a) shall not hold shares in itself or in its holding body corporate; and

(b) shall not permit any of its subsidiaries to hold shares in the corporation or in the holding body corporate of the corporation.

Purchase of issued shares

47.—(1) Subject to subsection (2) and to its by-laws, a provincial corporation may, on notice to the Superintendent, purchase or otherwise acquire shares issued by it to,

(a) settle or compromise a debt or claim asserted by or against the corporation;

(b) eliminate fractional shares; or

(c) fulfil the terms of a non-assignable agreement under which the corporation has an option or is obliged to purchase shares owned by a current or former director, officer or employee of the corporation.

Restriction on payment

(2) A provincial corporation shall not make any payment to purchase or acquire under subsection (1) shares issued by it if there are reasonable grounds for believing that,

(a) the corporation is or, after the payment, would be unable to pay its liabilities as they become due;

(b) after the payment, the realizable value of the corporation's assets would be less than the aggregate of,

(i) its liabilities, and

(ii) the amount that would be required to pay the holders of shares who have a right to be paid, on a redemption or in a liquidation, prior to the holders of the shares to be purchased or acquired; or

Nécessité d'une réserve suffisante

(3) La compagnie provinciale qui a accordé des privilèges de conversion d'autres valeurs mobilières en ses propres actions, ou qui a accordé des options ou des droits d'acquérir ses actions, et dont le capital autorisé est limité par son acte constitutif, conserve toujours un nombre suffisant d'actions autorisées pour assurer l'exercice de ces privilèges, options ou droits.

Une filiale ne peut être titulaire des actions de sa personne morale mère

46 Sauf dispositions contraires des articles 47 à 49, la compagnie provinciale ne doit pas :

a) détenir ses propres actions ni celles de sa personne morale mère;

b) permettre à ses filiales de détenir ses actions ni celles de sa personne morale mère.

Acquisition de ses propres actions

47 (1) Sous réserve du paragraphe (2) et de son règlement intérieur, la compagnie provinciale peut, sur avis au surintendant, acheter ou autrement acquérir les actions qu'elle a émises, afin :

a) d'effectuer une transaction relative à une créance ou une demande contre la compagnie ou en sa faveur;

b) d'éliminer le fractionnement de ses actions;

c) d'exécuter un contrat incessible aux termes duquel la compagnie a une option ou l'obligation d'acheter les actions d'un ancien ou présent administrateur, dirigeant ou employé de la compagnie.

Restriction au remboursement

(2) La compagnie provinciale ne doit faire aucun versement en vue d'acheter ou d'acquérir en vertu du paragraphe (1) les actions qu'elle a émises, s'il existe des motifs raisonnables de croire que :

a) elle ne peut ou, de ce fait, ne pourrait acquitter son passif à échéance;

b) la valeur de réalisation de son actif serait de ce fait inférieure au total des deux montants suivants :

(i) son passif,

(ii) les sommes nécessaires au remboursement, en cas de rachat ou de liquidation, des actions payables par préférence, par rapport aux actions que la compagnie se propose d'acheter ou d'acquérir;

(c) the effect of the purchase or acquisition would be to cause the corporation to be in contravention of this Act or the regulations.

Redemption of shares

48.—(1) Subject to subsection (2) and to its by-laws and on notice to the Superintendent, a provincial corporation may purchase or redeem any redeemable shares issued by it at prices not exceeding the redemption price calculated according to a formula stated in the by-laws.

Restriction on redemption

(2) A provincial corporation shall not make any payment to purchase or redeem any redeemable shares issued by it if there are reasonable grounds for believing that,

(a) the corporation is or, after the payment, would be unable to pay its liabilities as they become due;

(b) after the payment, the realizable value of the corporation's assets would be less than the aggregate of,

(i) its liabilities, and

(ii) the amount that would be required to pay the holders of shares who have a right to be paid, on a redemption or in a liquidation, rateably with or prior to the holders of the shares to be purchased or redeemed; or

(c) the effect of the redemption would be to cause the corporation to be in contravention of this Act or the regulations.

Donation of share

49. A provincial corporation may accept from any shareholder a share of the corporation surrendered to it as a gift.

Reduction of stated capital account

50.—(1) Subject to subsection (4) and its instrument of incorporation, a provincial corporation, by special resolution and with the approval of the Superintendent, may reduce its stated capital for any purpose.

Right to vote

(2) Where a class or series of shares of a provincial corporation would be affected by a reduction of stated capital under subsection (1) in a manner different from the manner in which any other class or series of shares of the corporation would be affected by such action, the holders of the differently affected class or series of shares are entitled to vote separately as a class or series, as the case may be, on the proposal to take the action, whether or not the shares otherwise carry the right to vote.

c) la compagnie contreviendrait, du fait de l'achat ou de l'acquisition, à la présente loi ou aux règlements.

Rachat des actions

48 (1) Sous réserve du paragraphe (2) et de son règlement intérieur, la compagnie provinciale peut, sur avis au surintendant, acheter ou racheter des actions rachetables qu'elle a émises, à un prix qui ne dépasse pas le prix de rachat calculé selon la formule énoncée au règlement intérieur.

Restrictions au rachat

(2) La compagnie provinciale ne doit faire aucun versement en vue d'acheter ou de racheter les actions rachetables qu'elle a émises, s'il existe des motifs raisonnables de croire que :

a) elle ne peut ou, de ce fait, ne pourrait acquitter son passif à échéance;

b) la valeur de réalisation de son actif serait de ce fait inférieure au total des deux montants suivants :

(i) son passif,

(ii) les sommes nécessaires au remboursement, en cas de rachat ou de liquidation, des actions payables au prorata ou par préférence, par rapport aux actions que la compagnie se propose d'acheter ou d'acquérir;

c) la compagnie contreviendrait, du fait du rachat, à la présente loi ou aux règlements.

Donation d'actions

49 La compagnie provinciale peut accepter que les actions qu'elle a émises lui soient remises par un actionnaire à titre de donation.

Réduction du compte capital déclaré

50 (1) Sous réserve du paragraphe (4) et de son acte constitutif, la compagnie provinciale peut, par résolution spéciale et avec l'autorisation du surintendant, réduire son capital déclaré à toutes fins.

Droit de vote

(2) Dans le cas où une réduction du capital déclaré aux termes du paragraphe (1) aurait une incidence particulière sur une catégorie ou une série distincte d'actions, leurs détenteurs ont le droit de voter séparément sur la proposition en tant que détenteurs de ces actions, que celles-ci comportent ou non le droit de vote.

Account reduced to be specified

(3) A special resolution under this section shall specify the stated capital account or accounts from which the reduction of stated capital affected by the special resolution will be made.

Restriction on reduction

(4) A provincial corporation shall not take any action to reduce its stated capital for any purpose (other than the purpose of declaring it to be reduced by an amount that is not represented by realizable assets) if there are reasonable grounds for believing that,

(a) the corporation is or, after the taking of such action, would be unable to pay its liabilities as they become due;

(b) after the taking of such action, the realizable value of the corporation's assets would be less than the aggregate of its liabilities; or

(c) the effect of the reduction would be to cause the corporation to be in contravention of this Act or the regulations.

Application for order where improper reduction

(5) A shareholder, creditor or depositor of a provincial corporation is entitled to apply to the High Court of Justice for an order compelling a shareholder or other recipient to pay or deliver to the corporation any money or property that was paid or distributed to the shareholder or other recipient as a consequence of a reduction of capital made contrary to this section.

Action against class

(6) Where it appears that there are numerous shareholders who may be liable under this section, the High Court of Justice may permit an action to be brought against one or more of them as representatives of the class and, if the plaintiff establishes a claim as creditor, may make an order of reference and add as parties in the referee's office all such shareholders as may be found, and the referee shall determine the amount that each should contribute towards the plaintiff's claim, which amount may not, in the case of any particular shareholder, exceed the amount referred to in subsection (5), and the referee may direct payment of the sums so determined.

Shareholder holding shares in fiduciary capacity

(7) No person holding shares in the capacity of a personal representative and registered on the records of the provincial corporation as a shareholder and therein described as the personal representative of a named person is personally liable under this section, but the named person is subject to all the liabilities imposed by this section.

Liability not affected

(8) This section does not affect any liability that arises under section 106.

Indication des comptes affectés

(3) La résolution spéciale adoptée aux termes du présent article indique le ou les comptes capital déclaré au débit desquels seront portées les réductions.

Limite à la réduction

(4) La compagnie provinciale ne doit accomplir aucun acte visant à réduire son capital déclaré, autre qu'aux fins de le déclarer réduit d'une somme qui ne représente pas des biens réalisables de l'actif, s'il existe des motifs raisonnables de croire que :

a) elle ne peut ou, de ce fait, ne pourrait acquitter son passif à échéance;

b) la valeur de réalisation de son actif serait de ce fait inférieure à son passif;

c) la compagnie contreviendrait, du fait de la réduction, à la présente loi ou aux règlements.

Requête en cas de réduction injustifiée

(5) L'actionnaire, le créancier ou le déposant de la compagnie provinciale peut demander à la Haute Cour, par voie de requête, de rendre une ordonnance enjoignant à un actionnaire ou à un autre bénéficiaire de restituer à la compagnie les sommes versées ou les biens remis à l'actionnaire ou à l'autre bénéficiaire à la suite d'une réduction de capital non conforme au présent article.

Recours contre un groupe

(6) S'il paraît que plusieurs actionnaires peuvent être responsables en vertu du présent article, la Haute Cour peut permettre qu'une action soit intentée contre un ou plusieurs d'entre eux en tant que représentants du groupe. Si le demandeur établit le bien-fondé de sa réclamation, la Haute Cour peut renvoyer l'action devant un arbitre et, à cette fin, joindre comme parties tous les actionnaires reconnus à ce titre. L'arbitre fixe la quote-part que chacun doit contribuer à la somme due au demandeur et peut ordonner que les quote-parts soient versées. La quote-part d'un seul actionnaire ne peut cependant pas dépasser la somme visée au paragraphe (5).

Actionnaire en qualité de fiduciaire

(7) Aucune personne qui détient des actions en qualité d'ayant droit et qui est inscrite aux registres de la compagnie à la fois comme l'ayant droit d'une personne désignée et comme actionnaire, n'est personnellement responsable en vertu du présent article. La personne désignée conserve cependant cette responsabilité.

Les obligations demeurent

(8) Le présent article n'a pas d'incidence sur les obligations qui naissent de l'article 106.

Reduction of stated capital account

51.—(1) Upon a purchase, redemption or other acquisition by a provincial corporation under section 47, 48 or 55 of shares or fractions thereof issued by it, the corporation shall deduct from the stated capital account maintained for the class or series of shares of which the shares purchased, redeemed or otherwise acquired form a part, an amount equal to the result obtained by multiplying the stated capital of the shares of that class or series by the number of shares of that class or series or fractions thereof purchased, redeemed or otherwise acquired, divided by the number of issued shares of that class or series immediately before the purchase, redemption or other acquisition.

Adjustment in stated capital account

(2) A provincial corporation shall adjust its stated capital account or accounts in accordance with any special resolution referred to in subsection 50 (3).

Idem

(3) Upon a change in issued shares of a provincial corporation, or upon a conversion of such shares pursuant to their terms, into shares of another class or series, the corporation shall,

(a) deduct from the stated capital account maintained for the class or series of shares changed or converted an amount equal to the result obtained by multiplying the stated capital of the shares of that class or series by the number of shares of that class or series changed or converted, and dividing by the number of issued shares of that class or series immediately before the change or conversion; and

(b) add the result obtained under clause (a) and any additional consideration received pursuant to the change or conversion to the stated capital account maintained or to be maintained for the class or series of shares into which the shares have been changed or converted.

Idem

(4) For the purpose of subsection (3), where a provincial corporation issues two classes or series of shares and there is attached to each class or series a right to convert a share of the one class or series into a share of the other class or series, the amount of stated capital attributable to a share in either class or series is the amount obtained when the sum of the stated capital of both classes or series of shares is divided by the number of issued shares of both classes or series of shares immediately before the conversion.

Status of shares purchased

(5) Shares of any class or series or fractional shares issued by a provincial corporation and purchased, redeemed or otherwise acquired by it shall be cancelled or, if the instrument of incorporation limits the number of authorized shares

Somme débitée au compte lors de l'acquisition d'actions, etc.

51 (1) La compagnie provinciale qui acquiert, notamment par achat ou rachat, en vertu des articles 47, 48 ou 55, des actions ou fractions d'actions qu'elle a émises, débite le compte capital déclaré de la catégorie ou de la série pertinente, du produit obtenu en multipliant le capital déclaré des actions de cette catégorie ou série par le nombre d'actions ou de fractions d'actions ainsi acquises, divisé par le nombre d'actions émises de cette catégorie ou série qui existaient immédiatement avant l'acquisition.

Rectification des comptes capital déclaré

(2) La compagnie provinciale rectifie ses comptes capital déclaré conformément aux résolutions spéciales visées au paragraphe 50 (3).

Idem

(3) La compagnie provinciale qui effectue le changement de catégorie ou de série de ses actions, ou leur conversion conformément aux conditions qui s'y rattachent, porte :

a) au débit du compte capital déclaré de la catégorie ou de la série initiale, le produit obtenu en multipliant le capital déclaré des actions de cette catégorie ou série par le nombre d'actions qui ont fait l'objet du changement ou de la conversion à une autre catégorie ou série, divisé par le nombre d'actions émises de cette catégorie ou série qui existaient immédiatement avant le changement ou la conversion;

b) au crédit du compte capital déclaré de la catégorie ou série nouvelle, le produit obtenu aux termes de l'alinéa a) ainsi que tout apport supplémentaire reçu au titre de la conversion ou du changement.

Idem

(4) Pour l'application du paragraphe (3), lorsque la compagnie provinciale émet deux catégories ou séries d'actions donnant un droit de conversion réciproque, le montant du capital déclaré attribué à une action de l'une ou l'autre catégorie ou série est égal au montant qui correspond à la somme du capital déclaré des deux catégories ou séries, divisé par le nombre d'actions émises de chacune d'elles qui existaient immédiatement avant la conversion.

Statut des actions acquises

(5) Les actions ou fractions d'actions de toutes les catégories ou séries émises par la compagnie provinciale et acquises par elle, notamment par achat ou rachat, sont annulées. Toutefois, si le nombre d'actions autorisées de la catégorie ou série est limité par l'acte constitutif, celles-ci peuvent redevenir des actions autorisées non émises de la catégorie ou de la série donnée.

of the class or series, may be restored to the status of authorized but unissued shares of the class or series.

Conversion of shares

(6) Where shares of a class or series are changed or converted pursuant to their terms into the same or another number of shares of another class or series, such shares become the same in all respects as the shares of the class or series respectively into which they are changed or converted.

Contract with corporation re purchase of its shares

52.—(1) A contract with a provincial corporation providing for the purchase by it of its own shares is specifically enforceable against it except to the extent that it can not perform the contract without thereby being in breach of section 47 or 48.

Idem

(2) In any action brought on a contract referred to in subsection (1), the provincial corporation has the burden of proving that performance thereof is prevented by section 47 or 48.

Idem

(3) Until the provincial corporation has fully performed a contract referred to in subsection (1), the other party to the contract retains the status of a claimant entitled to be paid as soon as the corporation is lawfully able to do so or in a liquidation to be ranked subordinate to the rights of depositors, creditors and holders of subordinated notes but in priority to the other shareholders.

Commission on sale

53. The directors of a provincial corporation may authorize the corporation to pay a reasonable commission to any person in consideration of the person,

(a) purchasing or agreeing to purchase shares of the corporation from it or from any other person; or

(b) procuring or agreeing to procure purchasers for any such shares.

Declaration of dividends

54.—(1) The directors of a provincial corporation may declare and a provincial corporation may pay a dividend by issuing fully paid shares of the corporation or options or rights to acquire fully paid shares of the corporation and, subject to subsection (3), a provincial corporation may pay a dividend in money or property.

Share dividend

(2) If shares of a provincial corporation are issued in payment of a dividend, it shall add to the stated capital account for the shares of the class or series issued in payment of the dividend the declared amount of the dividend stated as an amount of money.

Conversion des actions

(6) Si les actions d'une catégorie ou série font l'objet d'un changement ou d'une conversion conformément aux conditions qui s'y rattachent, en un nombre égal ou différent d'actions de la nouvelle catégorie ou série, ces actions sont assimilées aux actions de leur nouvelle catégorie ou série.

Contrat d'achat de ses propres actions

52 (1) La compagnie provinciale peut être tenue d'exécuter intégralement les contrats qu'elle a conclus en vue de l'achat de ses propres actions, dans la mesure où elle ne contrevient pas de ce fait aux articles 47 ou 48.

Idem

(2) Dans toute instance relative au contrat mentionné au paragraphe (1), le fardeau de prouver que l'exécution de ce contrat est prohibée par les articles 47 ou 48 revient à la compagnie.

Idem

(3) Jusqu'à l'exécution complète du contrat mentionné au paragraphe (1), le cocontractant conserve le droit d'être payé dès que la compagnie est légalement en mesure de le faire, ou lors d'une liquidation, d'être colloqué à la suite des déposants, des créanciers et des détenteurs de titres subalternes, mais par préférence aux autres actionnaires.

Commission sur la vente des actions

53 Les administrateurs d'une compagnie provinciale peuvent autoriser la compagnie à verser une commission raisonnable à la personne :

a) qui achète ou convient d'acheter des actions de la compagnie, soit de cette dernière, soit d'une autre personne;

b) qui fait acheter des actions de celle-ci ou qui s'engage à le faire.

Déclaration de dividendes

54 (1) Les administrateurs de la compagnie provinciale peuvent déclarer un dividende. La compagnie peut payer ce dividende par l'émission d'actions entièrement libérées de la compagnie, en options ou en droits d'acquérir ces actions, ou, sous réserve du paragraphe (3), en monnaie ou en biens.

Dividende sous forme d'actions

(2) Si le paiement d'un dividende est effectué par l'émission d'actions, la compagnie provinciale porte au crédit du compte capital déclaré de la catégorie ou série pertinente le montant déclaré du dividende, en monnaie.

When dividend not to be declared

(3) The directors shall not declare and a provincial corporation shall not pay a dividend if there are reasonable grounds for believing that,

(a) the corporation is or, after the payment, would be unable to pay its liabilities as they become due;

(b) after the payment, the lesser of the book value and the realizable value of the corporation's assets would thereby be less than the aggregate of,

(i) its liabilities, and

(ii) its stated capital of all classes; or

(c) the effect of the payment would be to cause the corporation to be in contravention of this Act or the regulations.

Lien on shares

55.—(1) The by-laws of a provincial corporation may provide that it has a lien on a share registered in the name of a shareholder or the shareholder's personal representative for a debt of that shareholder to the provincial corporation.

Where subs. (1) does not apply

(2) Subsection (1) does not apply to a provincial corporation that has shares listed on, or traded through the facilities of, a stock exchange recognized by the Ontario Securities Commission.

Enforcement of lien

(3) A provincial corporation may enforce a lien referred to in subsection (1) in accordance with its by-laws.

Restrictions on issue, transfer, etc.

56. A provincial corporation shall not impose restrictions on the issue, transfer or ownership of shares of any class or series except such restrictions as are authorized by its instrument of incorporation and this Act.

Investment securities 1982, c. 4

57. Part VI of the *Business Corporations Act, 1982* applies with necessary modifications with respect to every provincial corporation as if it were a corporation incorporated under that Act.

Insider liability

58. Part X of the *Business Corporations Act, 1982* applies with necessary modifications with respect to every provincial corporation as if it were a corporation incorporated under that Act.

Definitions

59.—(1) In this section and in sections 60 and 61,

(3) Les administrateurs ne doivent pas déclarer un dividende et la compagnie provinciale ne doit pas le payer s'il existe des motifs raisonnables de croire que : Cas où la déclaration d'un dividende est prohibée

a) celle-ci ne peut ou, de ce fait, ne pourrait acquitter son passif à échéance;

b) la moins élevée de la valeur comptable et la valeur de réalisation de son actif serait de ce fait inférieure au total des deux montants suivants :

(i) son passif,

(ii) son capital déclaré de toutes catégories;

c) la compagnie contreviendrait, du fait de payer le dividende, à la présente loi ou aux règlements.

55 (1) Le règlement intérieur de la compagnie provinciale peut prévoir que l'action inscrite au nom de l'actionnaire ou de son ayant droit est grevée d'un privilège relativement à une dette de l'actionnaire envers la compagnie. Privilège sur les actions

(2) Le paragraphe (1) ne s'applique pas à la compagnie provinciale dont les actions sont cotées ou négociées à une bourse reconnue par la Commission des valeurs mobilières de l'Ontario. Non-application du par. (1)

(3) La compagnie provinciale peut, conformément à son règlement intérieur, réaliser le privilège visé au paragraphe (1). Réalisation du privilège

56 La compagnie provinciale ne doit pas imposer de restrictions à l'émission, au transfert ou au droit de propriété de ses actions de quelque catégorie ou série, à l'exception des restrictions qu'autorisent son acte constitutif et la présente loi. Restrictions à l'émission, au transfert, etc.

57 La partie VI de la *Loi de 1982 sur les compagnies* s'applique, avec les adaptations nécessaires, à la compagnie provinciale, comme s'il s'agissait d'une compagnie constituée en vertu de cette loi. Valeurs de placement 1982, chap. 4

58 La partie X de la *Loi de 1982 sur les compagnies* s'applique, avec les adaptations nécessaires, à la compagnie provinciale, comme s'il s'agissait d'une compagnie constituée en vertu de cette loi. Responsabilité des initiés

59 (1) Les définitions qui suivent s'appliquent au présent article et aux articles 60 et 61. Définitions

"personnes ayant des liens..." "associates of the non-resident" means, with reference to any particular time,

(a) the shareholders associated with the non-resident at that time, and

(b) the persons who would be associated with the non-resident at that time were the persons and the non-resident themselves shareholders;

"non-résident" "non-resident" means,

(a) an individual who is not a resident Canadian,

(b) a body corporate incorporated, formed or otherwise organized elsewhere than in Canada,

(c) a body corporate that is controlled directly or indirectly by non-residents as defined in clause (a) or (b),

(d) a trust established by a non-resident as defined in clause (a), (b) or (c) or a trust in which non-residents as so defined have more than 50 per cent of the beneficial interest,

(e) a body corporate that is controlled directly or indirectly by a trust mentioned in clause (d),

but does not include a mutual insurance company that writes life insurance, is incorporated in Canada and has its head office in Canada, if at least 75 per cent of its directors are resident Canadians;

"actions détenues par..." "shares held by or for the non-resident and associates" means, with reference to any particular time, the aggregate number of voting shares held at that time in the name or right of, or for the use or benefit of, the non-resident and associates of the non-resident at that time.

Associated shareholder (2) For the purposes of this section and sections 60 and 61, a shareholder is associated with another shareholder if,

(a) one shareholder is a body corporate of which the other shareholder is an officer or director;

(b) one shareholder is a partnership of which the other shareholder is a partner;

«actions détenues par le non-résident et des personnes ayant des liens avec lui, ou pour eux» En ce qui concerne un moment donné, la totalité des actions assorties du droit de vote et détenues à ce moment par le non-résident et les personnes ayant à ce moment des liens avec le non-résident, en leurs noms, pour leur compte ou à leur usage ou profit. «shares held by....»

«non-résident» S'entend : «non-resident»

a) du particulier qui n'est pas résident canadien;

b) de la personne morale constituée, formée ou autrement organisée ailleurs qu'au Canada;

c) de la personne morale dont des non-résidents, tels que définis aux alinéas a) ou b), ont directement ou indirectement le contrôle;

d) de la fiducie constituée par un non-résident, tel que défini aux alinéas a), b) ou c), ou de la fiducie dont cette personne est bénéficiaire dans une proportion de plus de 50 pour cent;

e) de la personne morale dont une fiducie visée à l'alinéa d) a directement ou indirectement le contrôle.

Est toutefois exclue la société d'assurance mutuelle qui fait souscrire de l'assurance-vie, qui a été constituée en personne morale au Canada et dont le siège social se trouve au Canada, si au moins 75 pour cent de ses administrateurs sont des résidents canadiens.

«personnes ayant des liens avec le non-résident» S'entend, en ce qui concerne un moment donné : «associates of the non-resident»

a) d'une part, des actionnaires ayant des liens avec le non-résident à ce moment;

b) d'autre part, des personnes qui auraient des liens avec le non-résident à ce moment si elles et lui étaient eux-mêmes des actionnaires.

(2) Pour l'application du présent article et des articles 60 et 61, deux actionnaires ont des liens entre eux, si, selon le cas : Actionnaires ayant des liens entre eux

a) l'un des actionnaires est une personne morale dont l'autre est un dirigeant ou un administrateur;

b) l'un des actionnaires est une société dont l'autre est l'associé;

(c) one shareholder is a body corporate that is controlled directly or indirectly by the other shareholder;

(d) both shareholders are bodies corporate and one shareholder is controlled directly or indirectly by the same individual or body corporate that controls directly or indirectly the other shareholder;

(e) both shareholders are members of a voting trust that relates to shares of a corporation; or

(f) both shareholders are associated within the meaning of clause (a), (b), (c), (d) or (e) with the same shareholder.

Shares held jointly

(3) For the purposes of this section and sections 60 and 61, where a voting share of a provincial corporation is held jointly and one or more of the joint holders thereof is a non-resident, the share shall be deemed to be held by a non-resident.

Deemed control

(4) For the purposes of this section and sections 60 and 61, a body corporate shall be deemed to be controlled by another person or body corporate or by two or more bodies corporate if voting securities of the first-mentioned body corporate carrying more than 10 per cent of the votes for the election of directors are held, otherwise than by way of security only, by or for the benefit of the other person or body or bodies corporate.

Exception for non-resident ownership of corporation

(5) Where immediately before its registration under this Act more than 50 per cent of the issued and outstanding voting shares of a provincial corporation are held in the name or right of, or for the use or benefit of, a non-resident, sections 60 and 61 do not apply in respect of the corporation until such time as there is no one non-resident in whose name or right or for whose use or benefit are held more than 50 per cent of the issued and outstanding voting shares of the corporation.

Limit on shares held by non-resident

60.—(1) The directors of a provincial corporation shall refuse to allow in the securities register of the corporation the entry of a transfer of any voting shares of the corporation to a non-resident,

(a) if, when the total number of voting shares of the corporation held by non-residents exceeds 25 per cent of the total number of issued and outstanding voting shares, the entry of the transfer would increase the percentage of such shares held by non-residents;

c) l'un des actionnaires est une personne morale contrôlée par l'autre, directement ou indirectement;

d) les deux actionnaires sont des personnes morales contrôlées, directement ou indirectement, par la même personne physique ou morale;

e) les deux actionnaires sont parties à une convention de vote fiduciaire relative aux actions d'une compagnie;

f) les deux actionnaires ont des liens, au sens des alinéas a), b), c), d) ou e), avec le même actionnaire.

Actions détenues en commun

(3) Pour l'application du présent article et des articles 60 et 61, l'action d'une compagnie provinciale assortie du droit de vote qui est détenue en commun est réputée détenue par un non-résident lorsque l'un ou plusieurs des détenteurs communs sont des non-résidents.

Contrôle réputé

(4) Pour l'application du présent article et des articles 60 et 61, une personne ou une ou plusieurs personnes morales sont réputées avoir le contrôle d'une autre personne morale si celles-ci détiennent ou sont bénéficiaires, autrement qu'à titre de garantie seulement, des valeurs mobilières de cette autre personne morale qui comportent plus de 10 pour cent des voix qui peuvent être exprimées pour élire les administrateurs.

Exception lorsqu'un non-résident est propriétaire de la compagnie

(5) Si, immédiatement avant l'inscription d'une compagnie provinciale aux termes de la présente loi, plus de 50 pour cent de ses actions émises, en circulation et assorties du droit de vote sont détenues au nom d'un non-résident, pour son compte ou à son usage ou profit, les articles 60 et 61 ne s'appliquent pas à l'égard de la compagnie. Cette exception cesse de s'appliquer lorsqu'il n'est plus détenu, au nom, pour le compte ou à l'usage ou au profit d'un non-résident particulier, plus de 50 pour cent des actions émises, en circulation et assorties du droit de vote de la compagnie.

Limite au nombre d'actions détenues par des non-résidents

60 (1) Les administrateurs d'une compagnie provinciale ne doivent pas permettre l'inscription, au registre de ses valeurs mobilières, du transfert en faveur de non-résidents d'actions assorties du droit de vote, si l'inscription de ce transfert devait avoir pour effet :

a) d'augmenter le pourcentage de ces actions détenues par des non-résidents alors que leur nombre représente déjà plus de 25 pour cent du nombre total d'actions de la compagnie assorties du droit de vote, émises et en circulation;

(b) if, when the total number of voting shares of the corporation held by non-residents is 25 per cent or less of the total number of issued and outstanding voting shares, the entry of the transfer would cause the total number of such shares held by non-residents to exceed 25 per cent of the total number of issued and outstanding voting shares;

(c) if, when the total number of the voting shares of the corporation held by the non-resident and by other shareholders associated with the non-resident, if any, exceeds 10 per cent of the total number of issued and outstanding voting shares, the entry of the transfer would increase the percentage of such shares held by the non-resident and by other shareholders associated with the non-resident; or

(d) if, when the total number of voting shares of the corporation held by the non-resident and by other shareholders associated with the non-resident, if any, is 10 per cent or less of the total number of issued and outstanding shares of such stock, the entry of the transfer would cause the number of such shares held by the non-resident and by other shareholders associated with the non-resident, if any, to exceed 10 per cent of the issued and outstanding voting shares.

Exceptions

(2) Notwithstanding subsection (1), the directors of a provincial corporation may allow the entry of a transfer of a voting share of the corporation to a non-resident when it is shown on evidence satisfactory to them that,

(a) the share was held in the right of or for the use or benefit of the non-resident immediately before the 17th day of June, 1970; or

(b) the share was subscribed for by, or allotted or transferred to, the non-resident before the registration of the corporation under this Act but after the coming into force of this Act.

Allotment to non-resident

(3) The directors of a provincial corporation shall not allot, or allow the allotment of any voting shares of the corporation to any non-resident in circumstances where, if the allotment to such non-resident were a transfer of those shares, the entry thereof in the securities register would be required to be refused by the directors.

Offence

(4) Default in complying with this section does not affect the validity of a transfer or allotment of voting shares of the provincial corporation that has been entered into the securities register of the corporation, but every director or officer

b) de porter à plus de 25, alors qu'il est égal ou inférieur à ce chiffre, le pourcentage de ces actions détenues par des non-résidents, par rapport au nombre total d'actions de la compagnie assorties du droit de vote, émises et en circulation;

c) d'augmenter le pourcentage de ces actions détenues par un non-résident et les actionnaires qui ont des liens avec lui, le cas échéant, alors que leur nombre représente déjà plus de 10 pour cent du nombre total d'actions de la compagnie assorties du droit de vote, émises et en circulation;

d) de porter à plus de 10, alors qu'il est égal ou inférieur à ce chiffre, le pourcentage de ces actions détenues par un non-résident et les actionnaires qui ont des liens avec lui, le cas échéant, par rapport au nombre total d'actions émises et en circulation.

Exceptions

(2) Malgré le paragaphe (1), les administrateurs de la compagnie provinciale peuvent autoriser l'inscription du transfert en faveur d'un non-résident d'une action de la compagnie assortie du droit de vote s'ils sont convaincus par des preuves qui leur sont présentées :

a) soit que l'action était, immédiatement avant le 17 juin 1970, détenue pour le compte du non-résident ou à son usage ou profit;

b) soit que le non-résident a souscrit à l'action, ou qu'elle lui a été attribuée ou transférée, avant l'inscription de la compagnie aux termes de la présente loi, mais après l'entrée en vigueur de celle-ci.

Attribution à un non-résident

(3) Les administrateurs de la compagnie provinciale ne doivent pas attribuer ou permettre l'attribution à un non-résident d'actions de la compagnie assorties du droit de vote lorsque, si cette attribution équivalait à un transfert des actions, ceux-ci seraient tenus de refuser l'inscription de ce transfert dans le registre des valeurs mobilières.

Infraction

(4) Le défaut de se conformer au présent article n'a pas d'incidence sur la validité du transfert ou de l'attribution d'actions de la compagnie provinciale assorties du droit de vote qui a été inscrit au registre de ses valeurs mobilières. Toutefois, l'administrateur ou le dirigeant qui sciemment permet la contravention ou l'autorise est coupable d'une infraction.

who authorizes or knowingly permits such default is guilty of an offence.

Voting by non-residents

61.—(1) Non-residents shall not exercise the voting rights attached to shares of a provincial corporation unless entered in the securities register of the corporation as a shareholder in respect of the shares.

Voting rights of nominees suspended

(2) Where a person who is a resident Canadian or a body corporate that is resident in Canada holds voting shares of a provincial corporation in the right of, or for the use or benefit of, a non-resident and in respect of which the non-resident is not entered in the securities register of the corporation as the holder, the person shall not, either in person or by proxy or by a voting trust, exercise the voting rights pertaining to those shares.

Change of status while entered on books

(3) Where a person who is a resident Canadian or a body corporate that is resident in Canada becomes a non-resident while entered in the securities register of a provincial corporation as a shareholder and the number of voting shares of such person recorded in the securities register when added to those entered therein as owned by other non-residents exceed the limit set out in section 60, the person shall not exercise, in person or by proxy or by a voting trust, any voting rights in respect of its shares that exceed the limit set out in section 60.

Voting rights of single non-resident owner

(4) Where any voting shares of a provincial corporation are held in the name of or in the right of or for the use or benefit of a non-resident, other than shares in respect of which the non-resident was entered in the securities register of the corporation before the 17th day of June, 1970 or is entered in the securities register under subsection 60 (2), no person shall, either as proxy or by a voting trust or in person, exercise the voting rights pertaining to such shares held in the non-resident's name or in the non-resident's right or for the non-resident's use or benefit, if the total of such shares so held, together with such shares held in the name or right of or for the use or benefit of,

(a) any shareholders associated with the non-resident; or

(b) any persons who would be deemed to be shareholders associated with the non-resident were such persons and the non-resident themselves shareholders,

exceed in number 10 per cent of the issued and outstanding voting shares.

Droit de vote des non-résidents

61 (1) Le non-résident ne doit pas exercer le droit de vote rattaché aux actions d'une compagnie provinciale, sauf s'il est inscrit au registre des valeurs mobilières de la compagnie à titre de détenteur de ces actions.

Suspension du droit de vote de l'intermédiaire

(2) Le particulier qui est résident canadien et la personne morale qui réside au Canada ne doivent pas exercer, en personne, par procuration ou en vertu d'une convention de vote fiduciaire, le droit de vote rattaché aux actions assorties du droit de vote d'une compagnie provinciale que ceux-ci détiennent pour le compte d'un non-résident, ou à l'usage ou au profit de ce dernier, lorsque ce non-résident n'est pas inscrit à titre de détenteur de ces actions au registre des valeurs mobilières de la compagnie.

Changement de statut en cours d'inscription

(3) Le particulier qui est résident canadien ou la personne morale qui réside au Canada qui deviennent non-résidents lorsqu'ils sont des actionnaires inscrits au registre des valeurs mobilières de la compagnie provinciale, ne doivent pas exercer en personne, par procuration ou en vertu d'une convention de vote fiduciaire le droit de vote rattaché à leurs actions, dans la mesure où le nombre de ces actions, ajouté au montant des actions déjà inscrites au nom de non-résidents, dépasse la limite fixée à l'article 60.

Droits de vote du non-résident particulier

(4) Nul ne doit, en personne, par procuration ou en vertu d'une convention de vote fiduciaire, exercer le droit de vote rattaché aux actions d'une compagnie provinciale détenues par un non-résident, en son nom, pour son compte, à son usage ou à son profit, à l'exception des actions qui étaient, soit antérieurement au 17 juin 1970, soit aux termes du paragraphe 60 (2), inscrites à son nom dans le registre des valeurs mobilières. Cette disposition s'applique lorsque le montant des actions ainsi détenues, ajouté aux actions détenues au nom, pour le compte ou à l'usage ou au profit :

a) des actionnaires qui ont des liens avec le non-résident;

b) des personnes qui seraient réputées avoir des liens avec lui si celles-ci ainsi que le non-résident étaient eux-mêmes actionnaires,

représente en nombre plus de 10 pour cent des actions assorties du droit de vote, émises et en circulation.

Exception

(5) Subsection (4) does not apply so as to prevent the exercise of voting rights pertaining to shares of a provincial corporation by a non-resident so long as the percentage of issued and outstanding voting shares held by or for the non-resident and associates does not exceed either the percentage of such shares held by or for the non-resident and associates immediately before the registration of the corporation or the smallest percentage of such shares held by or for the non-resident and associates at any subsequent time.

Offence

(6) Every person who knowingly contravenes this section is guilty of an offence.

Effect of contravention

(7) No proceeding, matter or thing at a general meeting of a provincial corporation is void by reason only of a contravention of this section, but any such proceeding, matter or thing is, at any time within one year from the day of commencement of the general meeting at which the contravention occurred, voidable at the option of the shareholders by a special resolution.

Deemed holding body corporate

62.—(1) For the purposes of sections 63, 64 and 68, a person who, alone or with any related person, owns beneficially, directly or indirectly, 10 per cent or more of the total number of issued and outstanding shares of a class of voting shares of a corporation shall be deemed to be a holding body corporate and the shares and issue or transfer of shares of the holding body corporate shall be deemed to be shares or a transfer or issue of shares to which sections 63, 64 and 68 apply.

Definition "personne"

(2) For the purposes of subsection (1), "person" includes a trust.

Consent of Superintendent

63.—(1) No transfer or issue of voting shares of a provincial corporation shall be entered in its securities register until the consent of the Superintendent has been received by the corporation, if,

(a) when the total number of shares of a class of voting shares of the corporation held by a person and by other shareholders related to the person, if any, exceeds 10 per cent of the total number of the issued and outstanding shares of that class, the transfer or issue would increase the percentage of shares of that class held by such person; or

(b) when the total number of shares of a class of voting shares of the provincial corporation held by a person and by other shareholders related to the person, if any, is 10 per cent or less of the total number of

Exception

(5) Le paragraphe (4) n'a pas pour effet d'empêcher l'exercice de droits de vote relatifs à des actions d'une compagnie provinciale par un non-résident tant que le pourcentage d'actions émises et en circulation assorties du droit de vote et détenues par le non-résident et des personnes ayant des liens avec lui, ou pour eux, ne dépasse pas soit le pourcentage de ces actions détenues par le résident et des personnes ayant des liens avec lui, ou pour eux, immédiatement avant l'inscription de la compagnie, soit le pourcentage plus bas de ces actions détenues par le non-résident et des personnes ayant des liens avec lui, ou pour eux, à n'importe quel moment par la suite.

Infraction

(6) Toute personne qui sciemment contrevient au présent article est coupable d'une infraction.

Effets de la contravention

(7) Les actes, affaires ou objets faits ou accomplis lors de l'assemblée générale de la compagnie provinciale ne sont pas invalides pour le seul motif qu'il y a eu contravention au présent article. Ceux-ci sont toutefois susceptibles d'annulation, au choix des actionnaires, au cours de l'année qui suit le jour du début de l'assemblée générale au cours de laquelle s'est produite la contravention. L'annulation se fait par voie de résolution spéciale.

Personne morale mère réputée

62 (1) Pour l'application des articles 63, 64 et 68, est réputée une personne morale mère la personne qui, seule ou de concert avec une autre personne qui lui est liée, est propriétaire à titre bénéficiaire, directement ou indirectement, de 10 pour cent ou plus du nombre total d'actions émises et en circulation d'une catégorie d'actions d'une compagnie assorties du droit de vote. Les actions ainsi que l'émission et le transfert des actions de la personne morale mère sont alors réputés subordonnés à l'application des articles 63, 64 et 68.

Définition «person»

(2) Pour l'application du paragraphe (1), le terme «personne» s'entend en outre d'une fiducie.

Consentement du surintendant

63 (1) Jusqu'à ce que le consentement du surintendant ait été reçu, il ne doit être inscrit au registre des valeurs mobilières de la compagnie provinciale aucun transfert ni émission de ses actions assorties du droit de vote, si ce transfert ou cette émission devait avoir pour effet :

a) d'augmenter le pourcentage d'une catégorie donnée de ces actions détenues par cette personne et par les actionnaires qui lui sont liés, le cas échéant, lorsque leur nombre représente déjà plus de 10 pour cent du nombre total d'actions de cette catégorie émises et en circulation;

b) de porter à plus de 10, lorsqu'il est égal ou inférieur à ce chiffre, le pourcentage des actions de cette

issued and outstanding shares of that class, the transfer or issue would cause the total number of shares of that class held by such person and by other shareholders related to the person, if any, to exceed 10 per cent of the issued and outstanding shares of that class,

and until the consent of the Superintendent is received by the corporation, no person shall, in person or by proxy, exercise the voting rights pertaining to any of the voting shares that are held by or in the name of the shareholder or by or in the name of any person related to the shareholder.

Exception

(2) The consent of the Superintendent is not required if the number of shares of the class of voting shares to be transferred or issued to a person, when added to the number of other shares of that class transferred or issued to the person and other shareholders related to the person since the later of,

(a) the day this Act came into force; and

(b) the day immediately preceding the day the most recent consent was given under this section with respect to the person or a shareholder related to the person,

is less than 2.5 per cent of the issued and outstanding shares of that class on that day.

Idem

(3) The exception set out in subsection (2) does not apply to a transfer or issue of shares that would result in a change of control in the corporation.

Exception

R.S.O. 1980, c. 466

(4) The consent of the Superintendent is not required in respect of a transfer or issue of shares to an underwriter, as defined in section 1 of the *Securities Act*, who receives them in that capacity.

Application to Superintendent

(5) A person to whom shares are to be transferred or issued in circumstances that require the consent of the Superintendent may apply for the consent and, for the purposes of the application, the person shall provide the Superintendent with such information as the Superintendent may request.

Refusal of consent

(6) On an application under subsection (5), the Superintendent may refuse consent where, in his or her opinion, it would be in the public interest to do so and, without limiting the generality of the foregoing, the Superintendent may refuse consent where the shareholder or any person related to the shareholder,

catégorie détenues par cette personne et les actionnaires qui lui sont liées, le cas échéant, par rapport au nombre total d'actions de cette catégorie, émises et en circulation.

Jusqu'à ce que le consentement ait été reçu, nul ne doit non plus, en personne ou par procuration, exercer le droit de vote rattaché aux actions détenues par l'actionnaire ou la personne qui lui est liée, ou en leurs noms.

Exception

(2) Le consentement du surintendant n'est pas requis si le nombre d'actions de la catégorie d'actions assorties du droit de vote à transférer ou à émettre en faveur d'une personne, ajouté au nombre des actions de cette catégorie qui ont été transférées ou émises en faveur de cette personne ou d'autres actionnaires qui lui sont liés, depuis :

a) le jour de l'entrée en vigueur de la présente loi;

b) le jour précédant immédiatement le jour où le consentement le plus récent a été donné aux termes du présent article à l'égard de la personne ou d'un actionnaire qui lui est lié,

selon le plus récent de ces jours, est inférieur à 2,5 pour cent du nombre des actions de cette catégorie qui sont, ce jour-là, émises et en circulation.

Idem

(3) L'exception visée au paragraphe (2) ne s'applique ni au transfert ni à l'émission d'actions qui entraîneraient le transfert du contrôle de la compagnie.

Exception

(4) Le consentement du surintendant n'est pas requis à l'égard d'un transfert ou d'une émission d'actions en faveur d'un souscripteur à forfait, au sens de l'article 1 de la *Loi sur les valeurs mobilières*, qui reçoit les actions en cette qualité.

L.R.O. 1980, chap. 466

Demande adressée au surintendant

(5) La personne en faveur de qui des actions doivent être transférées ou émises dans des circonstances où le consentement du surintendant est requis peut s'adresser à ce dernier en vue d'obtenir ce consentement, et lui fournit à cette fin les renseignements qu'il peut exiger.

Consentement refusé

(6) Le surintendant peut refuser de consentir à la demande visée au paragraphe (5) si, à son avis, il en va de l'intérêt public, notamment si l'actionnaire ou la personne qui est liée à lui :

(a) is or has been bankrupt;

R.S.O. 1980, c. 466

(b) has been convicted of a criminal offence, an offence under this Act or an offence under the *Securities Act*;

(c) is or has been subject to a cease trading order under the *Securities Act*;

(d) is the subject of an examination under section 186 or an investigation under section 206;

(e) is contravening any provision of this Act or the regulations or of any comparable legislation of another jurisdiction or of any undertaking given to the Superintendent; or

(f) has failed to provide the information requested under subsection (5).

Effective date of consent

(7) The consent of the Superintendent under this section takes effect on the date set out in the consent and the effective date may be a date before the date the consent is given.

Declaration may be required

64. The Superintendent may in writing direct a provincial corporation to obtain from a person in whose name a share is registered in the securities register of the corporation or who is the beneficial owner of a share of the corporation a declaration containing information,

(a) concerning the ownership or beneficial ownership of such share;

(b) as to whether such share is owned or beneficially owned by a person who is related to any other person and the name of that other person where applicable;

(c) concerning the ownership or beneficial ownership of the shares of a holding body corporate; and

(d) concerning such other matters as are specified by the Superintendent,

and as soon as possible after the receipt of a direction from the Superintendent under this section, the directors of the corporation shall comply therewith and every person who is requested by the corporation to provide a declaration in the prescribed form containing information referred to in this sub-

a) a ou a déjà eu le statut de failli;

b) a été reconnu coupable d'une infraction criminelle ou d'une infraction à la présente loi ou à la *Loi sur les valeurs mobilières*; L.R.O. 1980, chap. 466

c) a fait l'objet d'une ordonnance d'interdiction d'opération aux termes de la *Loi sur les valeurs mobilières*;

d) fait l'objet d'un examen aux termes de l'article 186 ou d'une enquête aux termes de l'article 206;

e) contrevient à une disposition de la présente loi, des règlements, d'une loi semblable d'une autre compétence législative, ou d'un engagement pris envers le surintendant;

f) n'a pas fourni les renseignements exigés aux termes du paragraphe (5).

(7) Le consentement du surintendant aux termes du présent article prend effet à la date précisée dans le document, qui peut être antérieure à la date du consentement. Date de prise d'effet du consentement

64 Le surintendant peut ordonner par écrit à une compagnie provinciale d'obtenir d'une personne au nom de laquelle une action est inscrite au registre des valeurs mobilières de la compagnie, ou d'une personne qui est propriétaire à titre bénéficiaire d'une action de la compagnie, un relevé qui reproduit des renseignements ayant trait : Relevé exigé

a) à la propriété ou à la propriété à titre bénéficiaire de l'action;

b) au fait que la propriété ou la propriété à titre bénéficiaire appartient à une personne liée à une autre personne, et le nom de cette autre personne, le cas échéant;

c) à la propriété ou à la propriété à titre bénéficiaire des actions d'une personne morale mère;

d) aux autres points que précise le surintendant.

Les administrateurs se conforment aux instructions du surintendant aux termes du présent article, dès leur réception. Chaque personne à qui la compagnie demande de présenter, selon la formule prescrite, le relevé des renseignements visés à

section shall forthwith comply with the request by submitting the completed declaration to the Superintendent.

Hearing

65.—(1) Where the Superintendent proposes to refuse consent under section 63, he or she shall forthwith advise the applicant and shall give the applicant an opportunity to be heard before him or her.

Power of L.G. in C.

(2) Upon the petition of the applicant, filed with the Clerk of the Executive Council within twenty-eight days after the date of the decision of the Superintendent to refuse consent under section 63, the Lieutenant Governor in Council may,

(a) confirm, vary or rescind the whole or any part of such decision; or

(b) require the Superintendent to hold a new hearing of the whole or any part of the application to the Superintendent upon which such decision of the Superintendent was made.

Idem

(3) The decision of the Superintendent after the hearing under clause (2) (b) is not subject to petition under this section.

Decision final

(4) Except as provided in subsection (2), a decision of the Superintendent to refuse consent under section 63 is final and binding and no such decision or decision as confirmed or varied under subsection (2) shall be stayed, varied or set aside by any court.

Exemption

66. The Superintendent, with the approval of the Lieutenant Governor in Council, may by order exempt any corporation or other person from the application of sections 63 to 65, in whole or in part, on such terms and conditions as are set out in the order and where any such order is filed with the corporation named in the order, it shall be deemed to be a consent of the Superintendent for the purpose of section 63, so long as the terms and conditions of the order have been complied with.

Transfer valid only after entry

67.—(1) No transfer of shares of a provincial corporation, unless made by a sale under execution or under the order or judgment of a court of competent jurisdiction, is valid for any purpose until the transfer has been entered in the securities register of the corporation.

Exceptions

(2) Notwithstanding subsection (1), a transfer of shares that has not been entered in the securities register of a provincial

ce paragraphe, se conforme sans délai à la demande et dépose ce relevé auprès du surintendant.

Audience

65 (1) Si le surintendant a l'intention de refuser son consentement aux termes de l'article 63, il en notifie sans délai l'auteur de la demande et lui fournit l'occasion de se faire entendre.

Pouvoirs du lieutenant-gouverneur en conseil

(2) Sur pétition de l'auteur de la demande déposée auprès du greffier du Conseil des ministres dans les vingt-huit jours de la décision du surintendant de refuser son consentement aux termes de l'article 63, le lieutenant-gouverneur en conseil peut :

a) confirmer, modifier ou annuler la décision, en totalité ou en partie;

b) enjoindre au surintendant de tenir une nouvelle audience concernant la totalité ou une partie de la demande visée par la décision du surintendant.

Idem

(3) La décision du surintendant rendue après l'audience tenue aux termes de l'alinéa (2) b) ne peut faire l'objet d'une pétition aux termes du présent article.

Décision définitive

(4) Sous réserve du paragraphe (2), la décision du surintendant de refuser son consentement aux termes de l'article 63 est définitive et lie les parties. Elle ne peut non plus, dans sa forme originale ou confirmée ou modifiée en vertu du paragraphe (2), faire l'objet d'un sursis, de modifications ou d'annulation de la part d'aucun tribunal.

Dispense

66 Le surintendant, avec l'approbation du lieutenant-gouverneur en conseil, peut prendre une ordonnance en vue de soustraire en tout ou en partie la compagnie ou une autre personne à l'application des articles 63 à 65, selon les conditions qui y sont précisées. Cette ordonnance, déposée auprès de la compagnie qui y est nommée, est réputée, tant que les conditions qui s'y rattachent ont été respectées, constituer le consentement du surintendant pour l'application de l'article 63.

Inscription nécessaire à la validité

67 (1) Le transfert d'actions d'une compagnie provinciale, sauf le transfert effectué lors de la saisie-exécution ou de la vente en justice ordonnée par le tribunal compétent, ne vaut que s'il est inscrit au registre des valeurs mobilières de la compagnie.

Exceptions

(2) Malgré le paragraphe (1), le transfert d'actions dont l'inscription ne figure pas aux registres des valeurs mobilières de la compagnie provinciale vaut entre les parties au transfert.

corporation is valid for the purpose of showing the rights as between the parties to the transfer.

By-laws

68.—(1) The directors of a provincial corporation may make by-laws,

(a) requiring any person holding any voting share of the corporation to submit written declarations,

(i) with respect to the ownership of a share of the corporation or of the holding body corporate,

(ii) with respect to the place in which the shareholder and any person for whose use or benefit the share is held are ordinarily resident,

(iii) as to whether the shareholder is associated with or related to any other shareholder, and

(iv) with respect to such other matters as the directors consider relevant for the purposes of sections 60 to 67;

(b) prescribing the times at which and the manner in which any declarations required under clause (a) are to be submitted; and

(c) requiring any person desiring to have a transfer of a share to the person entered in the securities register of the corporation to submit such a declaration as may be required under this section in the case of a shareholder.

Where declaration pending

(2) Where under any by-law made under subsection (1), any declaration is required to be submitted by any shareholder or person in respect of the transfer of any share, the directors may prohibit the entry of the transfer in the securities register of the corporation until the required declaration has been submitted.

Liability of directors, etc.

69. In determining, for the purposes of whether a person is a resident Canadian, body corporate resident in Canada or a non-resident, by whom a body corporate is controlled or any other circumstances relevant to the performance of their duties under sections 60 to 67, the directors of the provincial corporation and any other person acting as proxy for a shareholder of the provincial corporation may rely upon any statement made in any declarations made pursuant to a by-law made under subsection 68 (1) or rely upon their own knowledge of the circumstances, and the directors and any such person are not liable in any action for anything done or omitted by them in good faith as a result of any conclusions made by them on the basis of any such statements or knowledge.

Règlement intérieur

68 (1) Les administrateurs de la compagnie provinciale peuvent, par règlement intérieur :

a) exiger de la personne qui détient quelque action de la compagnie assortie du droit de vote de déposer par écrit des relevés concernant :

(i) la propriété d'une action de la compagnie ou de sa personne morale mère,

(ii) l'endroit où résident ordinairement l'actionnaire et la personne, le cas échéant, à l'usage ou au profit de laquelle l'action est détenue,

(iii) l'existence de liens entre deux actionnaires ou le fait que ceux-ci soient liés,

(iv) les autres points que les administrateurs jugent pertinents pour l'application des articles 60 à 67;

b) prescrire les moments et le mode de présentation des relevés visés à l'alinéa a);

c) exiger de la personne qui désire que le transfert d'une action en sa faveur soit inscrite au registre des valeurs mobilières de la compagnie que celle-ci présente le relevé qui peut être exigé de l'actionnaire en vertu du présent article.

Relevé à recevoir

(2) Les administrateurs peuvent interdire l'inscription du transfert au registre des valeurs mobilières de la compagnie jusqu'à ce qu'ait été présenté le relevé exigé de l'actionnaire ou d'une autre personne relativement au transfert d'une action aux termes du règlement intérieur pris en application du paragraphe (1).

Responsabilité des administrateurs, etc.

69 Afin de déterminer le statut de résident canadien ou de non-résident d'une personne physique ou morale qui contrôle une personne morale ou d'autres faits relatifs à l'exécution de leurs obligations aux termes des articles 60 à 67, les administrateurs de la compagnie provinciale et le fondé de pouvoir de son actionnaire peuvent se fier aux relevés dressés conformément au règlement intérieur pris en application du paragraphe 68 (1), ou à leur connaissance personnelle des faits. Les administrateurs et les fondés de pouvoir ne peuvent, lors d'une poursuite, être tenus responsables des actes qu'ils ont accomplis ou omis de faire de bonne foi en appliquant les con-

Shareholders liability limited

70. Except as otherwise provided in this Act, the shareholders of a provincial corporation are not, as shareholders, liable for any act, default, obligation or liability of the corporation.

Place of meetings

71. Subject to the by-laws, a meeting of shareholders of a provincial corporation shall be held at such place in Canada as the directors determine or, in the absence of such a determination, at its principal place of business.

Shareholders meeting

72. The directors of a provincial corporation,

(a) shall call an annual meeting of shareholders not later than three months after the corporation comes into existence and subsequently not later than three months after each fiscal year end of the corporation; and

(b) may call a special meeting of shareholders at any time.

Record date

73.—(1) For the purpose of determining shareholders,

(a) entitled to receive payment of a dividend;

(b) entitled to participate in a liquidation or distribution; or

(c) for any other purpose except the right to receive notice of or to vote at a meeting,

the directors may fix in advance a date as the record date for such determination of shareholders, but the record date shall not precede by more than fifty days the particular action to be taken.

Idem

(2) For the purpose of determining shareholders entitled to receive notice of a meeting of shareholders, the directors may fix in advance a date as the record date for such determination of shareholders, but the record date shall not precede by more than fifty days or by less than twenty-one days the date on which the meeting is to be held.

Where no date fixed

(3) Where no record date is fixed,

(a) the record date for the determination of shareholders entitled to receive notice of a meeting of shareholders shall be,

(i) at the close of business on the day immediately preceding the day on which the notice is given, or

clusions tirées de ces relevés ou fondées sur cette connaissance.

Responsabilité limitée des actionnaires

70 Sauf disposition contraire de la présente loi, les actionnaires de la compagnie provinciale ne sont pas, à ce titre, responsables de ses obligations, actes ou omissions.

Lieu des assemblées

71 Sous réserve du règlement intérieur, les assemblées des actionnaires d'une compagnie provinciale se tiennent à l'endroit au Canada que fixent les administrateurs, ou à défaut, à l'endroit où est situé l'établissement principal.

Assemblée des actionnaires

72 Les administrateurs de la compagnie provinciale :

a) convoquent une assemblée annuelle des actionnaires au plus tard dans les trois mois de la création de la compagnie, et, par la suite, au plus tard trois mois après la fin de chaque exercice de la compagnie;

b) peuvent convoquer des assemblées extraordinaires des actionnaires.

Date de clôture des registres

73 (1) Les administrateurs peuvent fixer d'avance une date de clôture des registres qui tombe dans les cinquante jours précédant l'opération en cause, pour déterminer les actionnaires habiles :

a) à recevoir les dividendes;

b) à participer à la liquidation ou à la distribution;

c) à toute autre fin, sauf en matière du droit de recevoir avis d'une assemblée ou d'y voter.

Idem

(2) Les administrateurs peuvent fixer d'avance une date de clôture des registres qui tombe entre le cinquantième et le vingt et unième jour précédant une assemblée des actionnaires, pour déterminer les actionnaires habiles à recevoir avis de cette assemblée.

Date non fixée

(3) Si la date n'a pas été fixée, constitue la date de clôture des registres pour déterminer les actionnaires :

a) qui ont le droit de recevoir avis d'une assemblée :

(i) le jour précédant celui où cet avis est donné, à l'heure de fermeture des bureaux,

(ii) if no notice is given, the day on which the meeting is held; and

(b) the record date for the determination of shareholders for any purpose other than to establish a shareholder's right to receive notice of a meeting or to vote shall be at the close of business on the day on which the directors pass the resolution therefor.

Notice of date

(4) If a record date is fixed, unless notice of the record date is waived in writing by every holder of a share of the class or series affected whose name is set out in the securities register of the corporation at the close of business on the day the directors fix the record date, notice thereof shall be given, not less than seven days before the date so fixed,

(a) by advertisement in a newspaper published or distributed in the place where the provincial corporation has its principal place of business and in each place in Canada where it has a transfer agent or where a transfer of its shares may be recorded; and

(b) by written notice to each stock exchange in Canada on which the shares of the corporation are listed for trading.

Notice

74.—(1) Notice of the time and place of a meeting of shareholders shall be sent, in the case of a provincial corporation that is an offering corporation, not less than twenty-one days and, in the case of any other provincial corporation, not less than ten days, but, in either case, not more than fifty days before the meeting to each shareholder entitled to vote at the meeting, to each director and to the auditor.

Idem

(2) A notice of a meeting is not required to be sent to shareholders who were not registered on the securities register of the provincial corporation on the date determined under subsection 73 (2) or (3), but failure to receive a notice does not deprive a shareholder of the right to vote at the meeting.

Adjournment

(3) If a meeting of shareholders is adjourned for less than thirty days, it is not necessary, unless the by-laws otherwise provide, to give notice of the adjourned meeting other than by announcement at the earliest meeting that is adjourned.

Idem

(4) If a meeting of shareholders is adjourned by one or more adjournments for an aggregate of thirty days or more, notice of the adjourned meeting shall be given as for an original meeting but, unless the meeting is adjourned by one or more adjournments for an aggregate of more than ninety days, section 111 of the *Business Corporations Act, 1982*, as incorporated into this Act by section 86, does not apply.

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(ii) en l'absence d'avis, le jour de l'assemblée;

b) ayant qualité à toutes fins sauf en ce qui concerne le droit de recevoir avis d'une assemblée ou le droit de vote, la date d'adoption de la résolution à ce sujet par les administrateurs, à l'heure de fermeture des bureaux.

Avis de la date

(4) Dans le cas où une date de clôture des registres est fixée par les administrateurs, sauf renonciation écrite à l'avis de cette date par chaque actionnaire de la catégorie ou série visée dont le nom paraît au registre des valeurs mobilières à l'heure de fermeture des bureaux le jour où les administrateurs fixent la date de clôture des registres, l'avis de cette date est donné au moins sept jours avant la date ainsi fixée :

a) d'une part, dans un journal publié et distribué à l'endroit où est situé l'établissement principal de la compagnie provinciale de même qu'à chaque endroit au Canada où celle-ci a un agent des transferts ou à l'endroit au Canada où le transfert de ses actions peut être inscrit;

b) d'autre part, au moyen d'un avis écrit envoyé à chaque bourse canadienne où sont cotées ses actions.

Avis

74 (1) Un avis des date, heure et lieu de l'assemblée des actionnaires est envoyé, dans le cas d'une compagnie provinciale qui fait appel au public, entre le cinquantième et le vingt et unième jour qui la précèdent, et dans les autres cas entre le cinquantième et le dixième jour, à chaque actionnaire habile à y voter, à chaque administrateur et au vérificateur de la compagnie.

Idem

(2) Il n'est pas nécessaire d'envoyer l'avis aux actionnaires non inscrits sur le registre de la compagnie provinciale à la date de référence fixée en vertu des paragraphes 73 (2) ou (3). Toutefois, l'absence d'avis ne prive pas l'actionnaire de son droit de vote.

Ajournement

(3) Sauf disposition contraire du règlement intérieur, il suffit, pour donner avis de l'ajournement d'une assemblée pour une période de moins de trente jours, d'en faire l'annonce lors de l'assemblée initiale.

Idem

(4) Dans le cas d'ajournement de l'assemblée à plusieurs reprises pour une période totale d'au moins trente jours, l'avis est donné comme pour une nouvelle assemblée. Toutefois, l'article 111 de la *Loi de 1982 sur les compagnies*, incorporé à la présente loi par l'article 86, n'a d'application que dans le cas d'ajournement à une ou plusieurs reprises pour une période totale de plus de quatre-vingt-dix jours.

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Special business

(5) All business transacted at a special meeting of shareholders and all business transacted at an annual meeting of shareholders, except consideration of the minutes of an earlier meeting, the financial statements and auditor's report, election of directors and reappointment of the incumbent auditor, shall be deemed to be special business.

Idem

(6) Notice of a meeting of shareholders at which special business is to be transacted shall state or be accompanied by a statement of,

(a) the nature of that business in sufficient detail to permit the shareholder to form a reasoned judgment thereon; and

(b) the text of any special resolution or by-law to be submitted to the meeting.

Shareholders meeting

75. Subject to this Act and the by-laws of a provincial corporation,

(a) all questions proposed for the consideration of the shareholders shall be determined by the majority of the votes cast and the chairman presiding at the meeting shall not have a second or casting vote in case of an equality of votes;

(b) the chairman presiding at a meeting of shareholders may, with the consent of the meeting and subject to subsections 74 (3) and (4) and to such conditions as the meeting decides, adjourn the meeting from time to time and from place to place; and

(c) the president or, in the president's absence, a vice-president who is a director shall preside as chairman at a meeting of shareholders, but, if there is no president or such a vice-president or if at a meeting none of them is present within fifteen minutes after the time appointed for the holding of the meeting, the shareholders present shall choose a person from their number to be the chairman.

Waiving notice

76. A shareholder and any other person entitled to attend a meeting of shareholders of a provincial corporation may in any manner and at any time waive notice of a meeting of shareholders, and attendance of any such person at a meeting of shareholders is a waiver of notice of the meeting, except where the shareholder attends a meeting for the express purpose of objecting to the transaction of any business on the grounds that the meeting is not lawfully called.

Questions spéciales

(5) Les délibérations des assemblées extraordinaires et annuelles sont réputées des questions spéciales. Font exception à cette règle l'examen du procès-verbal de l'assemblée précédente, des états financiers et du rapport du vérificateur, l'élection des administrateurs de même que le renouvellement du mandat du vérificateur.

Idem

(6) L'avis de l'assemblée dont l'ordre du jour comporte des questions spéciales énonce ou est accompagné d'une note énonçant :

a) leur nature, avec suffisamment de détails pour permettre à l'actionnaire de se faire une idée éclairée de celle-ci;

b) le texte de la résolution spéciale ou du règlement intérieur devant être soumis à l'assemblée.

Assemblée des actionnaires

75 Sous réserve de la présente loi et du règlement intérieur d'une compagnie provinciale :

a) il est disposé des questions soumises à l'examen des actionnaires de la compagnie provinciale à la majorité des voix exprimées, et le président de l'assemblée n'a pas voix prépondérante en cas de partage des voix;

b) le président de l'assemblée peut, avec le consentement de l'assemblée, sous réserve des paragraphes 74 (3) et (4), et sous réserve des conditions que l'assemblée impose, l'ajourner et en changer le lieu;

c) le président, ou en son absence, un vice-président qui est administrateur, préside l'assemblée des actionnaires. Toutefois, en l'absence de ces personnes dans les quinze minutes qui suivent l'heure fixée pour la tenue de l'assemblée, les actionnaires présents choisissent parmi eux un président.

Renonciation à l'avis

76 Les actionnaires et les autres personnes qui ont le droit d'assister à une assemblée des actionnaires de la compagnie provinciale peuvent, de quelque façon que ce soit et à n'importe quel moment, renoncer à l'avis de convocation. Leur présence à l'assemblée équivaut à une telle renonciation, sauf lorsqu'elles y assistent spécialement pour s'opposer aux délibérations pour le motif que l'assemblée n'est pas régulièrement convoquée.

Proposal

77.—(1) A shareholder of a provincial corporation entitled to vote at a meeting of shareholders may,

(a) submit to the corporation notice of a proposal; and

(b) discuss at the meeting any matter in respect of which the shareholder would have been entitled to submit a proposal.

Circulating proposal

(2) Where a provincial corporation receives notice of a proposal and the corporation solicits proxies, it shall set out the proposal in the management information circular required by section 112 of the *Business Corporations Act, 1982*, as incorporated into this Act by section 86, or it shall attach the proposal to the information circular.

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Statement in support of proposal

(3) If so requested by a shareholder giving notice of a proposal, the provincial corporation shall include in the management information circular or attach thereto a statement by the shareholder of not more than two hundred words in support of the proposal along with the name and address of the shareholder.

Proposal may include nominations

(4) A proposal may include nominations for the election of directors if the proposal is signed by one or more holders of shares representing in the aggregate not less than 5 per cent of the shares or 5 per cent of the shares of a class or series of shares of the corporation entitled to vote at the meeting to which the proposal is to be presented, but this subsection does not preclude nominations being made at a meeting of shareholders.

Where subss. (2, 3) do not apply

(5) A provincial corporation is not required to comply with subsections (2) and (3) where,

(a) the proposal is not submitted to the corporation at least sixty days before the anniversary date of the last annual meeting, if the matter is proposed to be raised at an annual meeting, or at least sixty days before a meeting other than the annual meeting, if the matter is proposed to be raised at a meeting other than the annual meeting;

(b) it clearly appears that the proposal is submitted by the shareholder primarily for the purpose of enforcing a personal claim or redressing a personal grievance against the corporation or any of its directors, officers or security holders, or for a purpose that is not related in any significant way to the business or affairs of the corporation;

Proposition

77 (1) L'actionnaire de la compagnie provinciale habile à voter lors de l'assemblée des actionnaires peut :

a) déposer auprès de la compagnie un avis de proposition;

b) discuter au cours de cette assemblée des questions qui auraient pu faire l'objet d'une proposition de sa part.

Diffusion de la proposition

(2) La compagnie provinciale qui reçoit un avis de proposition et sollicite des procurations fait figurer la proposition dans la circulaire d'information de la direction exigée par l'article 112 de la *Loi de 1982 sur les compagnies*, incorporé à la présente loi par l'article 86, ou la fait annexer à la circulaire.

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Déclaration à l'appui de la proposition

(3) À la demande de l'actionnaire qui donne l'avis de proposition, la compagnie provinciale inclut dans la circulaire d'information de la direction ou annexe à la circulaire un exposé d'au plus deux cents mots préparé par celui-ci à l'appui de la proposition, de même que ses nom et adresse.

La proposition peut faire état des candidatures

(4) La proposition peut faire état de candidatures en vue de l'élection des administrateurs, si elle est signée par un ou plusieurs actionnaires détenant ensemble au moins 5 pour cent des actions ou de celles d'une catégorie ou série donnant le droit de vote lors de l'assemblée à laquelle les propositions doivent être présentées. Le présent paragraphe n'empêche toutefois pas la présentation de candidatures au cours de l'assemblée.

Non-application des par. (2) et (3)

(5) La compagnie provinciale n'est pas tenue de se conformer aux paragraphes (2) et (3) :

a) si la proposition ne lui est pas soumise au moins soixante jours avant l'expiration d'un délai d'un an à compter de la dernière assemblée annuelle lorsque la question doit être soulevée lors de l'assemblée annuelle, ou au moins soixante jours au préalable dans les autres cas;

b) s'il apparaît nettement que la proposition a pour objet principal, soit une demande personnelle ou le redressement d'un grief personnel contre la compagnie ou l'un de ses administrateurs, dirigeants ou détenteurs de valeurs mobilières, soit une question qui n'a aucun lien important avec les affaires de la compagnie;

(c) the corporation, at the shareholder's request, included a proposal in a management information circular relating to a meeting of shareholders held within two years preceding the receipt of the request, and the shareholder failed to present the proposal, in person or by proxy, at the meeting; or

(d) substantially the same proposal was submitted to shareholders in a management information circular or a dissident's information circular relating to a meeting of shareholders held within two years preceding the receipt of the shareholder's request and the proposal was defeated.

Where no liability

(6) No provincial corporation or person acting on its behalf incurs any liability by reason only of circulating a proposal or statement in compliance with this section.

Where refusal to circulate proposal

(7) Where a provincial corporation refuses to include a proposal in a management information circular, it shall, within ten days after receiving the proposal, send notice to the shareholder submitting the proposal of its intention to omit the proposal from the management information circular and send to the shareholder a statement of reasons for the refusal.

Application to Court

(8) Upon the application of a shareholder aggrieved by a provincial corporation's refusal under subsection (7), the High Court of Justice may restrain the holding of the meeting to which the proposal is sought to be presented and make any further order it thinks fit.

Idem

(9) The provincial corporation or any person aggrieved by a proposal may apply to the High Court of Justice for an order permitting the provincial corporation to omit the proposal from the management information circular, and the court, if it is satisfied that subsection (5) applies, may make such order as it thinks fit.

Notice to Superintendent

(10) An applicant under subsection (8) or (9) shall give the Superintendent notice of the application and the Superintendent is entitled to appear and be heard in person or by counsel.

Definition "proposition"

(11) In this section, "proposal" means a matter that a shareholder entitled to vote proposes to raise at a meeting of shareholders.

Lists of shareholders

78.—(1) A provincial corporation shall prepare a list of shareholders entitled to receive notice of a meeting, arranged in alphabetical order and showing the number of shares held by each shareholder, which list shall be prepared,

c) si au cours des deux ans précédant la réception de sa demande, l'actionnaire avait omis de présenter à l'assemblée, en personne ou par son fondé de pouvoir, une proposition que la compagnie avait fait figurer, à sa demande, dans une circulaire d'information de la direction relative à cette assemblée;

d) si une proposition à peu près identique a été soumise aux actionnaires dans une circulaire d'information de la direction, ou une circulaire d'information d'un dissident, relative à une assemblée qui a eu lieu dans les deux ans précédant la réception de la demande de l'actionnaire, et a été rejetée.

Responsabilité

(6) La compagnie provinciale ou ses mandataires n'engagent pas leur responsabilité pour le seul motif qu'ils diffusent une proposition ou un exposé conformément au présent article.

Refus de diffuser la proposition

(7) La compagnie provinciale qui refuse d'inclure une proposition dans la circulaire d'information de la direction fait parvenir à l'actionnaire qui l'a soumise, dans les dix jours de sa réception, un avis exposant les motifs de son refus.

Requête

(8) À la requête de l'actionnaire lésé par le refus de la compagnie provinciale communiqué aux termes du paragraphe (7), la Haute Cour peut interdire la tenue de l'assemblée au cours de laquelle on tente de présenter la proposition, et peut rendre l'ordonnance additionnelle qu'elle estime pertinente.

Idem

(9) La compagnie provinciale ou toute personne lésée par une proposition peut demander à la Haute Cour, par voie de requête, de rendre une ordonnance autorisant la compagnie à omettre cette proposition de la circulaire d'information de la direction. Le tribunal peut rendre l'ordonnance qu'il estime pertinente s'il est convaincu que le paragraphe (5) s'applique.

Avis au surintendant

(10) L'auteur de la requête présentée aux termes des paragraphes (8) ou (9) en donne avis au surintendant. Celui-ci peut comparaître et se faire entendre en personne ou par l'intermédiaire d'un avocat.

Définition «proposal»

(11) Dans le présent article, «proposition» s'entend de toute question qu'un actionnaire qui a le droit de voter se propose de soulever lors d'une assemblée des actionnaires.

Liste des actionnaires

78 (1) La compagnie provinciale dresse une liste alphabétique des actionnaires qui ont le droit de recevoir avis des assemblées, en y mentionnant le nombre d'actions détenues par chacun :

(a) if a record date is fixed under subsection 73 (2), not later than ten days after such record date; or

(b) if no record date is fixed,

(i) at the close of business on the day immediately preceding the day on which notice is given, or

(ii) where no notice is given, on the day on which the meeting is held.

Entitlement to vote

(2) Subject to sections 59 to 67, where a provincial corporation fixes a record date under subsection 73 (2), a person named in the list prepared under clause (1) (a) is entitled to vote the shares shown opposite the person's name at the meeting to which the list relates, except to the extent that,

(a) the person has transferred any of the shares after the record date; and

(b) the transferee of those shares,

(i) produces properly endorsed share certificates, or

(ii) otherwise establishes ownership of the shares,

and demands, not later than ten days before the meeting, or such shorter period before the meeting as the by-laws of the corporation may provide, that the transferee's name be included in the list before the meeting,

in which case the transferee is entitled to vote those shares at the meeting.

Idem

(3) Subject to sections 59 to 67, where a provincial corporation does not fix a record date under subsection 73 (2), a person named in a list prepared under clause (1) (b) is entitled to vote the shares shown opposite the person's name at the meeting to which the list relates, except to the extent that,

(a) the person has transferred any of the shares after the date on which the list prepared under clause (1) (b) was prepared; and

(b) the transferee of those shares,

(i) produces properly endorsed share certificates, or

a) dans les dix jours suivant la date de clôture des registres, si elle est fixée en vertu du paragraphe 73 (2);

b) à défaut d'une date de clôture des registres :

(i) à l'heure de fermeture des bureaux, la veille du jour de l'avis,

(ii) en l'absence d'avis, le jour de l'assemblée.

Droit de vote

(2) Sous réserve des articles 59 à 67, si la compagnie provinciale fixe une date de clôture des registres aux termes du paragraphe 73 (2), les personnes inscrites sur la liste établie aux termes de l'alinéa (1) a) sont habiles à exercer, à l'assemblée visée par la liste, le droit de vote rattaché aux actions qui figurent en regard de leur nom. Toutefois, le cessionnaire de ces actions peut exercer ce droit dans la mesure où :

a) d'une part, la cession est postérieure à la date de clôture des registres;

b) d'autre part, le cessionnaire :

(i) ou bien produit les certificats d'actions régulièrement endossés,

(ii) ou bien fait d'une autre façon la preuve de son titre,

et exige, au moins dix jours avant l'assemblée ou dans le délai plus court établi par le règlement intérieur de la compagnie, l'inscription de son nom sur la liste.

Idem

(3) Sous réserve des articles 59 à 67, si la compagnie provinciale ne fixe aucune date de clôture des registres aux termes du paragraphe 73 (2), les personnes inscrites sur la liste établie aux termes de l'alinéa (1) b) sont habiles à exercer, à l'assemblée visée par la liste, le droit de vote rattaché aux actions qui figurent en regard de leur nom. Toutefois, le cessionnaire de ces actions peut exercer ce droit dans la mesure où :

a) d'une part, la cession est postérieure à la date à laquelle la liste établie aux termes de l'alinéa (1) b) a été dressée;

b) d'autre part, le cessionnaire :

(i) ou bien produit les certificats d'actions régulièrement endossés,

(ii) otherwise establishes ownership of the shares,

and demands, not later than ten days before the meeting, or such shorter period before the meeting as the by-laws of the corporation may provide, that the transferee's name be included in the list before the meeting,

in which case the transferee is entitled to vote those shares at the meeting.

Examination of list

(4) A shareholder of a provincial corporation may examine the list of shareholders,

(a) during usual business hours at the principal place of business of the corporation or at the place where its securities register is maintained; and

(b) at the meeting of shareholders for which the list was prepared.

Quorum

79.—(1) Unless the by-laws otherwise provide, the holders of a majority of the shares entitled to vote at a meeting of shareholders, whether present in person or represented by proxy, constitute a quorum.

Idem

(2) If a quorum is present at the opening of a meeting of shareholders, the shareholders present may, unless the by-laws otherwise provide, proceed with the business of the meeting notwithstanding that a quorum is not present throughout the meeting.

Idem

(3) If a quorum is not present at the time appointed for a meeting of shareholders, or within such reasonable time thereafter as the shareholders present may determine, the shareholders present may adjourn the meeting to a fixed time and place but may not transact any other business.

Voting rights

80.—(1) Each share in a class of shares of a provincial corporation entitles the holder to one vote at all meetings of holders of that class of shares.

Representative

(2) Where a body corporate or association is a shareholder of a provincial corporation, the provincial corporation shall recognize any individual authorized by a resolution of the directors or governing body of the body corporate or association to represent it at meetings of shareholders of the provincial corporation.

Idem

(3) An individual authorized as set out in subsection (2) may exercise on behalf of the body corporate or association he or she represents all the powers it could exercise if it were an individual shareholder.

(ii) ou bien fait d'une autre façon la preuve de son titre,

et exige au moins dix jours avant l'assemblée ou dans le délai plus court établi par le règlement intérieur de la compagnie, l'inscription de son nom sur la liste.

Consultation de la liste

(4) L'actionnaire d'une compagnie provinciale peut consulter la liste des actionnaires :

a) pendant les heures de bureau à l'établissement principal de la compagnie ou à l'endroit où est situé son registre des valeurs mobilières;

b) lors de l'assemblée des actionnaires pour laquelle la liste a été préparée.

Quorum

79 (1) Sauf disposition contraire du règlement intérieur, le quorum est atteint lorsque sont présents ou représentés les détenteurs d'actions disposant de la majorité des voix qui peuvent être exprimées lors d'une assemblée des actionnaires.

Idem

(2) Sauf disposition contraire du règlement intérieur, il suffit que le quorum soit atteint à l'ouverture de l'assemblée pour que les actionnaires présents puissent délibérer.

Idem

(3) En l'absence de quorum, à l'ouverture de l'assemblée ou après une période de temps que les actionnaires présents jugent suffisante, ces derniers peuvent ajourner l'assemblée à une date, une heure et un lieu précis, mais ne peuvent autrement délibérer.

Droit de vote

80 (1) Chaque action d'une catégorie d'actions de la compagnie provinciale donne au détenteur le droit d'exprimer une voix aux assemblées des actionnaires détenteurs des actions de cette catégorie.

Représentant

(2) La compagnie provinciale qui compte parmi ses actionnaires une personne morale ou une association permet au particulier autorisé à cette fin par résolution des administrateurs ou de la direction de la personne morale ou de l'association de la représenter aux assemblées des actionnaires.

Idem

(3) Le particulier accrédité aux termes du paragraphe (2) peut exercer, pour le compte de la personne morale ou de l'association qu'il représente, tous les pouvoirs que cette dernière pourrait exercer à titre d'actionnaire si elle était un particulier.

Joint shareholders

(4) Unless the by-laws otherwise provide, where two or more persons hold shares jointly, one of those holders present at a meeting of shareholders may in the absence of the others vote the shares, but if two or more of those persons are present, in person or by proxy, they shall vote as one on the shares jointly held by them.

Method of voting

81.—(1) Unless the by-laws otherwise provide, voting at a meeting of shareholders shall be by show of hands, except where a ballot is demanded by a shareholder or proxyholder entitled to vote at the meeting.

Idem

(2) A shareholder or proxyholder may demand a ballot either before or after any vote by show of hands.

Entry in minutes

(3) Unless a ballot is demanded, an entry in the minutes of a meeting of shareholders to the effect that the chairman declared a motion to be carried is admissible in evidence as *prima facie* proof of the fact without proof of the number or proportion of the votes recorded in favour of or against the motion.

Effect of signed resolutions

82.—(1) Except for a resolution in relation to which a written statement is submitted by a director under subsection 96 (2) or in relation to which representations in writing are submitted by an auditor under subsection 113 (6),

(a) a resolution in writing signed by all the shareholders entitled to vote on that resolution at a meeting of shareholders is as valid as if it had been passed at a meeting of the shareholders; and

(b) a resolution in writing dealing with all matters required by this Act to be dealt with at a meeting of shareholders, and signed by all the shareholders entitled to vote at that meeting, satisfies all the requirements of this Act relating to that meeting of shareholders.

Copy of resolution kept with minutes

(2) A copy of every resolution referred to in subsection (1) shall be kept with the minutes of the meeting of shareholders.

Requisition for shareholders meeting

83.—(1) On notice to the Superintendent, the holders of not less than 5 per cent of the issued shares of a provincial corporation that carry the right to vote at a meeting sought to be held may requisition the directors to call a meeting of shareholders for the purposes stated in the requisition.

Codétenteurs

(4) Sauf disposition contraire du règlement intérieur, si plusieurs personnes détiennent des actions en commun, le codétenteur présent à une assemblée peut, en l'absence des autres, exercer le droit de vote rattaché aux actions. Si plusieurs codétenteurs sont présents ou représentés, ils votent comme un seul actionnaire en ce qui concerne les actions détenues en commun.

Vote

81 (1) Sauf disposition contraire du règlement intérieur, le vote lors d'une assemblée des actionnaires se fait à main levée ou, à la demande de tout actionnaire ou fondé de pouvoir habile à voter, au scrutin.

Idem

(2) Les actionnaires ou les fondés de pouvoir peuvent demander un vote au scrutin avant ou après tout vote à main levée.

Inscription au procès-verbal

(3) Sauf si le vote au scrutin est demandé, l'inscription au procès-verbal de l'assemblée des actionnaires selon laquelle le président a déclaré une proposition adoptée est recevable comme preuve *prima facie* de son adoption sans qu'il soit nécessaire de prouver le nombre de voix favorables ou dissidentes.

La résolution tient lieu d'assemblée

82 (1) Sauf s'il s'agit d'une résolution relativement à laquelle une déclaration écrite a été présentée par un administrateur aux termes du paragraphe 96 (2) ou des observations ont été présentées par écrit par le vérificateur aux termes du paragraphe 113 (6) :

a) la résolution écrite signée de tous les actionnaires habiles à voter sur la résolution lors d'une assemblée des actionnaires a la même valeur que si elle avait été adoptée lors d'une telle assemblée;

b) la résolution écrite portant sur toutes les questions qui doivent, selon la présente loi, être traitées lors d'une assemblée des actionnaires et signée par tous les actionnaires habiles à voter lors de cette assemblée, répond aux conditions de la présente loi relatives à cette assemblée.

Exemplaire de la résolution conservée avec les procès-verbaux

(2) Un exemplaire des résolutions visées au paragraphe (1) est conservé avec les procès-verbaux des assemblées.

Demande de convocation

83 (1) Après en avoir notifié le surintendant, les détenteurs d'au moins 5 pour cent des actions émises par la compagnie provinciale et ayant le droit de vote à l'assemblée dont la tenue est demandée peuvent exiger des administrateurs la convocation d'une assemblée aux fins énoncées dans la demande.

Idem

(2) The requisition referred to in subsection (1) shall state the business to be transacted at the meeting and shall be sent to the principal place of business of the corporation.

Duty of directors to call meeting

(3) Upon receiving the requisition referred to in subsection (1), the directors shall call a meeting of shareholders to transact the business stated in the requisition unless,

(a) a record date has been fixed under subsection 73 (2) and notice thereof has been given under subsection 73 (4);

(b) the directors have called a meeting of shareholders and have given notice thereof under section 74; or

(c) the business of the meeting as stated in the requisition includes matters described in clauses 77 (5) (b), (c) and (d).

Where requisitioner may call meeting

(4) Subject to subsection (3), if the directors do not within twenty-one days after receiving the requisition referred to in subsection (1) call a meeting, any shareholder who signed the requisition may call a meeting.

Calling of meeting

(5) A meeting called under this section shall be called as nearly as possible in the manner in which meetings are to be called under the by-laws and this Part.

Repayment of expenses

(6) The provincial corporation shall reimburse the shareholders for the expenses reasonably incurred by them in requisitioning, calling and holding the meeting unless the shareholders have not acted in good faith and in the interest of the shareholders of the corporation generally.

Requisition to Court

84.—(1) If for any reason it is impracticable to call a meeting of shareholders of a provincial corporation in the manner in which meetings of those shareholders may be called or to conduct the meeting in the manner prescribed by the by-laws and this Act, or if for any other reason the High Court of Justice thinks fit, the court, upon the application of a director or a shareholder entitled to vote at the meeting, may order a meeting to be called, held and conducted in such manner as the court directs and upon such terms as to security for the costs of holding the meeting or otherwise as the court considers appropriate.

Idem

(2) Without restricting the generality of subsection (1), the court may order that the quorum required by the by-laws or this Act be varied or dispensed with at a meeting called, held and conducted under this section.

Idem

(2) La demande visée au paragraphe (1) énonce les questions devant être traitées lors de l'assemblée et est envoyée à l'établissement principal de la compagnie.

Obligation des administrateurs de convoquer l'assemblée

(3) Les administrateurs convoquent une assemblée dès réception de la demande visée au paragraphe (1), pour délibérer des questions qui y sont énoncées, à moins :

a) que l'avis d'une date de clôture des registres fixée aux termes du paragraphe 73 (2) n'ait déjà été donné aux termes du paragraphe 73 (4);

b) qu'ils n'aient déjà convoqué une assemblée et donné l'avis prévu à l'article 74;

c) que des questions à l'ordre du jour énoncées dans la demande ne portent sur les cas visés aux alinéas 77 (5) b), c) et d).

L'auteur de la demande peut convoquer l'assemblée

(4) Sous réserve du paragraphe (3), si les administrateurs ne convoquent pas l'assemblée dans les vingt et un jours suivant la réception de la demande visée au paragraphe (1), tout signataire de la demande peut le faire.

Convocation de l'assemblée

(5) L'assemblée convoquée aux termes du présent article l'est d'une manière aussi conforme que possible au règlement intérieur et à la présente partie.

Remboursement des frais

(6) Sauf le cas où les actionnaires n'auraient pas agi de bonne foi et dans l'intérêt commun des actionnaires de la compagnie provinciale, celle-ci leur rembourse les frais normaux engagés pour demander, convoquer et tenir l'assemblée.

Convocation par le tribunal

84 (1) Si elle le juge à propos, notamment dans le cas où il serait impossible pour une raison quelconque de convoquer régulièrement l'assemblée ou de la tenir selon le règlement intérieur ou la présente loi, la Haute Cour peut, à la requête d'un administrateur ou d'un actionnaire habile à voter à l'assemblée, ordonner la convocation et la tenue de l'assemblée conformément à ses directives. Elle peut subordonner l'ordonnance aux conditions qu'elle juge appropriées, notamment celles relatives à la caution pour les frais engagés aux fins de la tenue de l'assemblée.

Idem

(2) Le tribunal peut notamment, à l'occasion d'une assemblée convoquée et tenue en application du présent article, ordonner la modification ou la dispense du quorum exigé par le règlement intérieur ou la présente loi.

Effect of meeting

(3) A meeting called, held and conducted under this section is for all purposes a meeting of shareholders of the provincial corporation duly called, held and conducted.

Notice to Superintendent

(4) A person applying under subsection (1) shall give notice of the application to the Superintendent before the hearing and shall deliver a copy of the court's order, if any, to the Superintendent.

Application to court re: directors and auditors

85.—(1) A shareholder or director of a provincial corporation or the corporation may apply to the High Court of Justice to determine any controversy with respect to an election or appointment of a director or auditor of the corporation.

Notice to Superintendent

(2) A person applying under subsection (1) shall give notice of the application to the Superintendent before the hearing and shall deliver a copy of the court's order, if any, to the Superintendent.

Notice of orders

(3) Upon an application under this section, the court may make any order it considers appropriate including, without limiting the generality of the foregoing,

(a) an order restraining a director or auditor whose election or appointment is challenged from acting pending determination of the dispute;

(b) an order declaring the result of the disputed election or appointment;

(c) an order requiring a new election or appointment and including in the order directions for the management of the business and affairs of the corporation until a new election is held or appointment made; and

(d) an order determining the voting rights of shareholders and of persons claiming to own shares.

Proxies 1982, c. 4

86. Part VIII of the *Business Corporations Act, 1982* and the regulations made under that Act in relation to that Part apply with necessary modifications to every provincial corporation as if it were a corporation incorporated under that Act.

(3) L'assemblée convoquée et tenue en application du présent article est, à toutes fins, régulière. Validité de l'assemblée

(4) L'auteur de la requête présentée en vertu du paragraphe (1) en notifie le surintendant avant l'audience, et lui remet une copie de l'ordonnance rendue, le cas échéant. Avis au surintendant

85 (1) La compagnie provinciale, ainsi que tout actionnaire ou administrateur, peut demander à la Haute Cour par voie de requête de trancher tout différend relatif à l'élection ou à la nomination d'un administrateur ou d'un vérificateur. Requête, administrateur et vérificateur

(2) L'auteur de la requête présentée en vertu du paragraphe (1) en notifie le surintendant avant l'audience, et lui remet une copie de l'ordonnance rendue, le cas échéant. Avis au surintendant

(3) Sur requête présentée en vertu du présent article, le tribunal peut, par ordonnance, prendre toute mesure qu'il estime appropriée et notamment : Idem

a) interdire à l'administrateur ou au vérificateur dont l'élection ou la nomination est contestée d'agir jusqu'au règlement du différend;

b) proclamer le résultat de l'élection ou de la nomination litigieuse;

c) ordonner une nouvelle élection ou une nouvelle nomination, en donnant des directives sur la gestion des affaires de la compagnie en attendant l'élection ou la nomination;

d) préciser les droits de vote des actionnaires et des personnes qui se prétendent propriétaires d'actions.

86 La partie VIII de la *Loi de 1982 sur les compagnies* et les règlements pris en application de cette loi à l'égard de cette partie s'appliquent, avec les adaptations nécessaires, à la compagnie provinciale comme s'il s'agissait d'une compagnie constituée en vertu de cette loi. Procurations 1982, chap. 4

PART VI

DIRECTORS AND OFFICERS

Directors' duties

87. The directors shall manage or supervise the management of the business and affairs of a provincial corporation.

Resolutions

88.—(1) The concurrence of a majority of the directors present at a meeting of the directors is necessary to pass any resolution.

By-law by resolution

(2) Unless the instrument of incorporation, this Act or the by-laws otherwise provide, the directors, by resolution, may make, amend or repeal any by-laws that regulate the business or affairs of a provincial corporation.

Confirmation by shareholders

(3) Where a by-law is made, amended or repealed under subsection (2), the directors shall submit the by-law, amendment or repeal to the shareholders at the next meeting of shareholders, and the shareholders shall confirm, reject or amend the by-law, amendment or repeal.

Effective date

(4) Where a by-law is made, amended or repealed under subsection (2), the by-law, amendment or repeal is effective from the date of the resolution of the directors until it is confirmed, confirmed as amended or rejected by the shareholders under subsection (3) or until it ceases to be effective under subsection (5) and, where the by-law is confirmed or confirmed as amended, it continues in effect in the form in which it was so confirmed.

Rejection, etc.

(5) If a by-law or an amendment or repeal of a by-law is rejected by the shareholders, or if the directors do not submit the by-law, amendment or repeal to the shareholders as required under subsection (3), the by-law, amendment or repeal ceases to be effective on the date of such rejection or on the date of the meeting of shareholders at which it should have been submitted, as the case may be, and no subsequent resolution of the directors to make, amend or repeal a by-law having substantially the same purpose or effect is effective until it is confirmed or confirmed as amended by the shareholders.

By-law re shareholder proposal

(6) If a shareholder proposal to make, amend or repeal a by-law is made in accordance with section 77 and is adopted by shareholders at a meeting, the by-law, amendment or repeal is effective from the date of its adoption and requires no further confirmation.

PARTIE VI

ADMINISTRATEURS ET DIRIGEANTS

Fonctions des administrateurs

87 Les administrateurs gèrent les affaires de la compagnie provinciale, ou supervisent leur gestion.

Résolutions

88 (1) L'adoption d'une résolution nécessite l'accord d'une majorité des administrateurs présents lors d'une réunion des administrateurs.

Règlement intérieur

(2) Sauf disposition contraire de l'acte constitutif, de la présente loi ou du règlement intérieur, les administrateurs peuvent, par résolution, établir, modifier ou abroger tout règlement intérieur portant sur les affaires de la compagnie provinciale.

Confirmation par les actionnaires

(3) Dans le cas d'adoption, de modification ou d'abrogation d'un règlement intérieur aux termes du paragraphe (2), les administrateurs soumettent cette mesure, lors de l'assemblée suivante, aux actionnaires, qui les confirment, les rejettent ou les modifient.

Date d'entrée en vigueur

(4) L'adoption, la modification ou l'abrogation d'un règlement intérieur aux termes du paragraphe (2) prennent effet à compter de la date de la résolution des administrateurs. Après la confirmation de la mesure ou sa modification par les actionnaires, celle-ci demeure en vigueur dans sa teneur initiale ou modifiée selon le cas. Toutefois, son adoption, sa modification ou son abrogation cessent d'avoir effet après leur rejet aux termes du paragraphe (3) ou au cas d'application du paragraphe (5).

Rejet, etc.

(5) L'adoption, la modification ou l'abrogation du règlement intérieur cessent d'avoir effet à la suite de leur rejet par les actionnaires ou de l'omission des administrateurs de soumettre ces mesures à leur approbation, conformément au paragraphe (3), à compter de la date du rejet ou de l'assemblée des actionnaires au cours de laquelle ces mesures auraient dû être soumises, selon le cas. Toute résolution ultérieure des administrateurs visant essentiellement le même but n'entre en vigueur qu'après sa confirmation par les actionnaires, avec ou sans modifications.

Règlement intérieur issu de la proposition d'un actionnaire

(6) Le règlement intérieur, la modification ou l'abrogation de ce règlement adoptés lors de l'assemblée sur la proposition d'un actionnaire à cet effet présentée conformément à l'article 77 prennent effet à la date de leur adoption et ne nécessitent aucune autre confirmation.

By-law need not be so described

(7) A by-law need not be described as a by-law in a resolution referred to in this section.

Board of directors

89.—(1) A provincial corporation shall have at least five directors.

Outside directors

(2) At least one half of the directors of a provincial corporation shall be outside directors.

Idem

(3) For the purposes of this Part, an individual is not eligible to be an outside director if,

(a) the individual holds more than 5 per cent of the voting shares of the corporation or of any of its affiliates;

(b) the individual is an officer or employee of the corporation or any of its affiliates or has been an officer or employee of the corporation or any of its affiliates within two years of the date on which he or she would become or became a director;

(c) the individual is a spouse or child of an individual described in clause (a) or (b); or

(d) the individual is a relative of an individual described in clause (a) or (b) or a relative of the spouse of an individual described in clause (a) or (b) and has the same home as the individual described in clause (a) or (b) or as the spouse of an individual described in clause (a) or (b).

Citizenship

(4) The majority of directors of a provincial corporation shall be resident Canadian citizens.

Change in number of directors

(5) A provincial corporation may by special resolution increase or decrease the number of its directors but no decrease in the number of directors shall shorten the term of an incumbent director or reduce the number of directors to fewer than five.

Director disqualification

90. The following persons are disqualified from being a director of a provincial corporation:

1. A person who is not an individual.

2. An individual who is less than eighteen years of age.

3. An individual who is of unsound mind and who has been so found by a court in Canada or elsewhere.

(7) Il n'est pas nécessaire, dans une résolution aux termes du présent article, de désigner un règlement intérieur comme tel. Désignation de règlement intérieur non nécessaire

89 (1) La compagnie provinciale compte au moins cinq administrateurs. Conseil d'administration

(2) Au moins la moitié des administrateurs de la compagnie provinciale sont des administrateurs externes. Administrateurs externes

(3) Pour l'application de la présente partie, un particulier ne possède pas les qualités requises pour devenir administrateur externe : Idem

a) s'il est détenteur de plus de 5 pour cent des actions assorties du droit de vote de la compagnie ou d'un membre du même groupe;

b) s'il est un dirigeant ou un employé de la compagnie ou d'un membre du même groupe, ou l'a été au cours des deux ans qui ont précédé la date à laquelle il deviendrait administrateur;

c) s'il est le conjoint ou l'enfant du particulier visé à l'alinéa a) ou b);

d) s'il est un parent du particulier visé à l'alinéa a) ou b) ou un parent du conjoint de ce dernier et qu'il habite avec le particulier visé à l'alinéa a) ou b) ou avec le conjoint de ce dernier.

(4) Le conseil d'administration d'une compagnie se compose en majorité de citoyens résidents canadiens. Citoyenneté

(5) Une compagnie provinciale peut, par résolution spéciale, augmenter ou diminuer le nombre de ses administrateurs. Toutefois, une diminution de nombre ne doit pas entraîner l'abrègement du mandat d'un administrateur en fonction ni la réduction du nombre d'administrateurs à moins de cinq. Modification au nombre des administrateurs

90 Ne peuvent être administrateurs d'une compagnie provinciale : Inhabilité

1. Les personnes autres que les particuliers.

2. Les particuliers de moins de dix-huit ans.

3. Les faibles d'esprit qui ont été reconnus comme tels par un tribunal, même étranger.

4. An individual who has the status of bankrupt.

5. An individual who is a director of a corporation not affiliated with the corporation of which the individual wishes to become a director.

Holding shares

91. Unless the instrument of incorporation or the by-laws otherwise provide, a director of a provincial corporation is not required to hold shares issued by the corporation.

Directors named in instrument of incorporation

92.—(1) Each director named in the instrument of incorporation of a provincial corporation shall hold office from the date of issue of the instrument until the first meeting of shareholders following the issue of the instrument.

Election

(2) The shareholders of a provincial corporation shall elect, at the first meeting of shareholders and at each succeeding annual meeting, directors to hold office for a term expiring not later than the close of the next annual meeting of shareholders following the election.

Term of a director

(3) A director ceases to hold office at the close of the first annual meeting of shareholders following the director's election.

Idem

(4) Notwithstanding the provisions of this section, if directors are not elected at a meeting of shareholders, the incumbent directors continue in office until their successors are elected.

Failure to elect

(5) If a meeting of shareholders fails to elect the number of directors required by the by-laws or by subsection 89 (1) by reason of the disqualification, incapacity or death of one or more candidates, the directors elected at that meeting, if they constitute a quorum, may exercise all the powers of the directors of the provincial corporation pending the holding of a meeting of shareholders in accordance with subsection 97 (2).

Notice to Superintendent

(6) Upon the election of a director, notice of such election shall be given to the Superintendent in the prescribed form.

Cumulative voting

93. Where the by-laws provide for cumulative voting,

(a) each shareholder entitled to vote at an election of directors has the right to cast a number of votes equal to the number of votes attached to the shares held by the shareholder multiplied by the number of directors to be elected, and may cast all such votes in favour of one candidate or distribute them among the candidates in any manner;

4. Les personnes qui ont le statut de failli.

5. Le particulier qui est administrateur d'une compagnie qui n'est pas membre du même groupe que la compagnie auprès de laquelle celui-ci sollicite un mandat d'administrateur.

Détention d'actions

91 Sauf disposition contraire de l'acte constitutif ou du règlement intérieur, la qualité d'actionnaire n'est pas requise de l'administrateur d'une compagnie provinciale.

Administrateurs désignés dans l'acte constitutif

92 (1) Le mandat des administrateurs désignés à l'acte constitutif d'une compagnie provinciale commence à la date de délivrance de l'acte constitutif et se termine à la première assemblée des actionnaires qui suit cette délivrance.

Élection

(2) Les actionnaires d'une compagnie provinciale élisent à leur première assemblée et à chaque assemblée annuelle subséquente les administrateurs, dont le mandat expire au plus tard à la clôture de la prochaine assemblée annuelle des actionnaires qui suit l'élection.

Mandat de l'administrateur

(3) Le mandat d'un administrateur prend fin à la clôture de la première assemblée annuelle qui suit son élection.

Idem

(4) Malgré le présent article, le mandat des administrateurs, à défaut d'élection de nouveaux administrateurs lors d'une assemblée des actionnaires, se poursuit jusqu'à l'élection de leurs remplaçants.

Défaut d'élire

(5) Si en raison de l'inhabilité, de l'incapacité ou du décès d'un ou de plusieurs candidats, les actionnaires ne peuvent élire lors d'une assemblée le nombre d'administrateurs requis par le règlement intérieur ou le paragraphe 89 (1), les administrateurs élus à cette assemblée peuvent, si le quorum est atteint, exercer tous les pouvoirs des administrateurs jusqu'à la tenue d'une assemblée des actionnaires conformément au paragraphe 97 (2).

Avis au surintendant

(6) Dès l'élection d'un administrateur, avis en est donné au surintendant, selon la formule prescrite.

Vote cumulatif

93 Lorsque le règlement intérieur prévoit le vote cumulatif :

a) les actionnaires qui ont le droit d'élire les administrateurs disposent d'un nombre de voix égal à celui qui se rattache à leurs actions, multiplié par le nombre d'administrateurs à élire. Ils peuvent exprimer leurs voix en faveur d'un seul ou de plusieurs candidats;

(b) a separate vote of shareholders shall be taken with respect to each candidate nominated for director unless a resolution is passed unanimously permitting two or more persons to be elected by a single resolution;

(c) if a shareholder has voted for more than one candidate without specifying the distribution of votes among the candidates, the shareholder is deemed to have distributed the votes equally among the candidates;

(d) if the number of candidates nominated for director exceed the number of positions to be filled, the candidates who receive the least number of votes shall be eliminated until the number of candidates remaining equals the number of positions to be filled;

(e) a director may not be removed from office if the votes cast against removal would be sufficient to elect a director if they were voted cumulatively at an election at which the same total number of votes were cast and the number of directors required by the by-laws were being elected; and

(f) the number of directors required by the by-laws may not be decreased if the votes cast against the motion to decrease would be sufficient to elect a director if they were voted cumulatively at an election at which the same total number of votes were cast and the number of directors required by the by-laws were being elected.

When director ceases to hold office

94.—(1) A director of a provincial corporation ceases to hold office upon,

(a) death or resignation;

(b) removal under section 95; or

(c) becoming disqualified under section 90.

Resignation

(2) A resignation of a director becomes effective at the time a written resignation is received by the provincial corporation or at the time specified in the resignation, whichever is later.

Notice to Superintendent

(3) Upon receipt of the resignation of a director, the provincial corporation shall deliver notice to the Superintendent of the resignation together with a copy of any statement made under subsection 96 (2) or (3).

b) chaque poste d'administrateur fait l'objet d'un vote distinct, sauf adoption à l'unanimité d'une résolution permettant à deux personnes ou plus d'être élues par la même résolution;

c) l'actionnaire qui a voté pour plus d'un candidat, sans autres précisions, est réputé avoir réparti ses voix également entre les candidats;

d) si le nombre des candidats est plus grand que celui des postes vacants, les candidats qui recueillent le plus petit nombre de voix sont éliminés jusqu'à ce que le nombre des candidats restants égale celui des postes vacants;

e) un administrateur ne peut être révoqué lorsque les voix exprimées contre cette mesure suffiraient à assurer l'élection d'un administrateur si elles étaient cumulées lors d'une élection du nombre total des administrateurs prévu par le règlement intérieur, dans le cadre de laquelle le même nombre de voix était exprimé;

f) le nombre d'administrateurs prévu par le règlement intérieur ne peut être réduit lorsque les voix exprimées contre la motion à cet effet suffiraient à assurer l'élection d'un administrateur, si elles étaient cumulées lors d'une élection du nombre total des administrateurs prévu par le règlement intérieur, dans le cadre de laquelle le même nombre de voix était exprimé.

Fin du mandat d'un administrateur

94 (1) Le mandat d'un administrateur d'une compagnie provinciale prend fin dès :

a) son décès ou sa démission;

b) sa révocation aux termes de l'article 95;

c) son inhabilité à l'exercer aux termes de l'article 90.

Démission

(2) La démission d'un administrateur prend effet à la date de réception par la compagnie provinciale d'un écrit à cet effet ou à la date postérieure qui y est indiquée.

Avis au surintendant

(3) Dès réception de la démission d'un administrateur, la compagnie provinciale délivre au surintendant un avis à cet effet accompagné, le cas échéant, de la déclaration écrite visée aux paragraphes 96 (2) ou (3).

Removal of directors

95.—(1) Subject to clause 93 (e), the shareholders of a provincial corporation may by resolution at an annual or special meeting remove any director from office.

Idem

(2) Where the holders of any class or series of shares of a corporation have an exclusive right to elect one or more directors, a director so elected may only be removed by resolution at a meeting of the shareholders of that class or series.

Idem

(3) Subject to clauses 93 (a) to (d), a vacancy created by the removal of a director may be filled at the meeting of the shareholders at which the director is removed or, if not so filled, may be filled under section 97.

Notice to director

96.—(1) A director of a provincial corporation is entitled to receive notice of and to attend and be heard at every meeting of shareholders.

Reasons for resignation

(2) A director of a provincial corporation who,

(a) resigns;

(b) receives a notice or otherwise learns of a meeting of shareholders called for the purpose of removing him or her from office; or

(c) receives a notice or otherwise learns of a meeting of directors or shareholders at which another person is to be appointed or elected to fill the office of director, whether because of the resignation or removal of the director or because the director's term of office has expired or is about to expire,

may submit to the corporation a written statement giving the reasons for the resignation or the reasons, if any, why he or she opposes any proposed action or resolution, as the case may be.

Idem

(3) Where a director of a provincial corporation resigns because he or she disagrees with an action or omission of the board of directors or of the management of the corporation and,

(a) the director knows or believes that as a result of the action or omission the corporation or any shareholder, director, officer or employee of the corporation is or will be in contravention of this Act, the *Securities Act* or the *Criminal Code* (Canada) or legislation of another jurisdiction that is comparable to this Act or the *Securities Act*; or

R.S.O. 1980, c. 466

R.S.C. 1970, c. C-34

Révocation des administrateurs

95 (1) Sous réserve de l'alinéa 93 e), les actionnaires de la compagnie provinciale peuvent, lors d'une assemblée annuelle ou extraordinaire, révoquer un administrateur par voie de résolution.

Idem

(2) Si les détenteurs d'une catégorie ou d'une série d'actions ont le droit exclusif d'élire un ou plusieurs administrateurs, l'administrateur ainsi élu ne peut être révoqué que par voie de résolution, adoptée lors d'une assemblée des actionnaires intéressés.

Idem

(3) Sous réserve des alinéas 93 a) à d), toute vacance découlant d'une révocation peut être comblée lors de l'assemblée qui a prononcé la révocation ou, à défaut, aux termes de l'article 97.

Avis à l'administrateur

96 (1) Les administrateurs ont le droit de recevoir avis des assemblées d'actionnaires, d'y assister et d'y prendre la parole.

Motifs de démission

(2) L'administrateur qui :

a) démissionne;

b) est informé, notamment au moyen d'un avis, de la convocation d'une assemblée en vue de le révoquer;

c) est informé, notamment au moyen d'un avis, de la tenue d'une réunion du conseil d'administration ou d'une assemblée convoquées en vue de nommer ou d'élire son remplaçant, par suite de sa démission, de sa révocation ou de l'expiration effective ou imminente de son mandat,

peut, dans une déclaration écrite, exposer à la compagnie les motifs de sa démission ou, le cas échéant, de son opposition à la mesure ou à la résolution proposées.

Idem

(3) L'administrateur de la compagnie provinciale dont la démission est provoquée par une mesure ou une omission de la part du conseil d'administration ou de la direction présente à la compagnie une déclaration écrite exposant les motifs de sa démission :

a) s'il sait ou croit que la mesure ou l'omission a entraîné ou entraînera de la part de la compagnie ou de son actionnaire, administrateur, dirigeant ou employé, une contravention à la présente loi, à la *Loi sur les valeurs mobilières*, aux lois semblables d'une autre compétence législative, ou au *Code criminel* (Canada);

L.R.O. 1980, chap. 466
S.R.C. 1970, chap. C-34

(b) the director knows or believes that as a result of the action or omission there has been or will be a change in the circumstances of the corporation that might materially and adversely affect the financial position of the corporation,

the director shall submit to the corporation a written statement giving the reasons for the resignation.

Distribution of statement

(4) Upon receiving a statement under subsection (2), the corporation shall forthwith send a copy of the statement to every shareholder entitled to receive notice of meetings of shareholders unless the statement is included in or attached to a management information circular.

No liability

(5) No corporation or person acting on its behalf incurs any liability by reason only of circulating a director's statement in compliance with subsection (4).

Idem

(6) A person who in good faith makes a statement under subsection (3) shall not be liable in any civil action arising out of the statement.

Notice to Superintendent

(7) A director who resigns as director of a provincial corporation shall forthwith give notice to the Superintendent of the resignation and a copy of any written statement given under this section.

Additional information

(8) Forthwith upon receipt of the written request of the Superintendent, a director who gives a notice under subsection (7) shall provide the Superintendent with such information related to the resignation as is set out in the request.

Vacancies

97.—(1) Subject to subsections (3) and (4), a quorum of directors may fill a vacancy among the directors, except a vacancy resulting from,

(a) an increase in the number of directors; or

(b) a failure to elect the number of directors required to be elected at any meeting of shareholders.

Election to make quorum

(2) If there is not a quorum of directors, or if there has been a failure to elect the number of directors required by the by-laws or by subsection 89 (1), the directors then in office shall forthwith call a special meeting of shareholders to fill the vacancy and, if they fail to call a meeting or if there are no directors then in office, the meeting may be called by any shareholder.

b) s'il sait ou croit que la mesure ou l'omission a entraîné ou entraînera une modification de la situation de la compagnie pouvant porter gravement atteinte à sa situation financière.

Distribution de copies de la déclaration

(4) Dès réception de la déclaration aux termes du paragraphe (2), la compagnie en envoie une copie à chaque actionnaire ayant le droit de recevoir avis des assemblées, sauf si la déclaration figure ou est annexée à une circulaire d'information de la direction.

Absence de responsabilité

(5) La compagnie et la personne agissant en son nom n'engagent pas leur responsabilité pour le seul motif qu'ils diffusent conformément au paragraphe (4) la déclaration faite par un administrateur.

Idem

(6) La personne qui, de bonne foi, fait la déclaration visée au paragraphe (3) n'engage pas sa responsabilité lors de toute poursuite civile qui s'ensuit.

Avis au surintendant

(7) L'administrateur de la compagnie provinciale qui démissionne en donne sans délai avis au surintendant, accompagné d'une copie de toute déclaration écrite présentée aux termes du présent article.

Renseignements additionnels

(8) Lorsqu'il reçoit une demande écrite du surintendant à cet effet, l'administrateur qui donne l'avis visé au paragraphe (7) fournit sans délai au surintendant les renseignements ayant trait à la démission que précise la demande.

Postes vacants

97 (1) Sous réserve des paragraphes (3) et (4), les administrateurs peuvent, s'il y a quorum, pourvoir aux vacances survenues au sein du conseil, sauf celles qui résultent :

a) d'une augmentation du nombre d'administrateurs;

b) du défaut d'élire le nombre d'administrateurs à élire lors d'une assemblée d'actionnaires.

Élection d'administrateurs pour former le quorum

(2) En l'absence de quorum ou à défaut d'élire le nombre d'administrateurs requis par le règlement intérieur ou par le paragraphe 89 (1), les administrateurs en fonction convoquent dans les meilleurs délais une assemblée extraordinaire des actionnaires afin de pourvoir aux vacances survenues au sein du conseil. S'ils négligent de le faire ou s'il n'y a aucun administrateur en fonction, tout actionnaire peut convoquer cette assemblée.

Election by class of shareholders

(3) Where the holders of any class or series of shares of a provincial corporation have an exclusive right to elect one or more directors and a vacancy occurs among those directors,

(a) subject to subsection (4), the remaining directors elected by that class or series may fill the vacancy except a vacancy resulting from an increase in the number of directors for that class or series or from a failure to elect the number of directors for that class or series; or

(b) if there are no such remaining directors, any holder of shares of that class or series may call a meeting of the holders thereof for the purpose of filling the vacancy.

No quorum

(4) The by-laws may provide that a vacancy among the directors shall only be filled by a vote of the shareholders, or by a vote of the holders of any class or series of shares having an exclusive right to elect one or more directors if the vacancy occurs among the directors elected by that class or series.

Term

(5) A director appointed or elected to fill a vacancy holds office for the unexpired term of the director's predecessor.

Director's fitness

98.—(1) The election or appointment of a person to the board of directors of a provincial corporation does not take effect until the corporation has satisfied the Superintendent that the person is fit, both as to character and competence, to be a director of a corporation and the Superintendent has approved the election or appointment of the person as a director.

Information

(2) The Superintendent may require a corporation to provide such information, material and evidence as the Superintendent may consider necessary to decide the fitness of a person to be a director.

Deemed approval

(3) If the Superintendent does not notify a corporation, within thirty days of being asked to approve the appointment or election of a proposed director, that he or she is satisfied that the proposed director is fit to be a director or give notice of the time and place of a hearing on the matter, he or she shall be deemed to be satisfied as to the person's fitness to be a director.

Non-application

(4) Subsections (1) to (3) do not apply,

(a) to a person who on the day this section comes into force is a director of a corporation so long as he or she remains a director of the corporation; or

Élection par catégories d'actions

(3) Si les détenteurs d'une catégorie ou d'une série d'actions ont le droit exclusif d'élire un ou plusieurs administrateurs, les vacances survenues parmi ces administrateurs peuvent être comblées :

a) sous réserve du paragraphe (4) et à l'exception des vacances résultant du défaut d'élire le nombre requis d'administrateurs ou d'une augmentation de ce nombre, par les administrateurs en fonction élus par cette catégorie ou cette série;

b) en l'absence d'administrateurs en fonction, lors de l'assemblée que les détenteurs d'actions de cette catégorie ou série peuvent convoquer pour pourvoir aux vacances.

Absence de quorum

(4) Le règlement intérieur peut prévoir que les vacances au sein du conseil d'administration seront comblées uniquement à la suite d'un vote, soit des actionnaires, soit des détenteurs de la catégorie ou série ayant le droit exclusif d'élire les administrateurs dont il s'agit.

Durée

(5) L'administrateur nommé ou élu pour combler une vacance remplit la partie non expirée du mandat de son prédécesseur.

Aptitudes de l'administrateur

98 (1) L'élection ou la nomination d'une personne au conseil d'administration de la compagnie provinciale ne prend effet que lorsque le surintendant est convaincu par des preuves qui lui sont présentées par la compagnie que le candidat est apte, du point de vue de la moralité et de la compétence, à exercer les fonctions d'administrateur et que le surintendant y a donné son approbation.

Renseignements

(2) Le surintendant peut exiger que la compagnie lui fournisse les renseignements, les documents ainsi que la preuve qu'il estime nécessaires pour évaluer l'aptitude du candidat à exercer ces fonctions.

Approbation réputée

(3) Le surintendant est réputé convaincu de l'aptitude d'un candidat à exercer les fonctions d'administrateur si, dans les trente jours de la demande d'approbation de la nomination ou de l'élection du candidat, il n'a pas avisé la compagnie de son assentiment ou n'a pas fixé la date et l'endroit pour la tenue d'une audience pour connaître de la question.

Non-application des par. (1) à (3)

(4) Les paragraphes (1) à (3) ne s'appliquent pas à la personne :

a) qui est administrateur de la compagnie au moment de l'entrée en vigueur du présent article, tant qu'elle demeure en fonction;

(b) to a person who has been approved under this section so long as he or she remains a director of the corporation.

Place of meetings

99.—(1) Where the by-laws of a provincial corporation so provide, a meeting of its board of directors may be held at any place within Canada and otherwise shall be held at its principal place of business.

Minimum number of meetings

(2) The board of directors shall meet at least five times in each year.

Quorum

(3) Subject to the by-laws and subsection (4), a majority of the number of directors required by the by-laws constitutes a quorum at any meeting of directors, but in no case shall a quorum be less than two-fifths of the number of directors, of which one must be an outside director.

Idem

(4) Subject to the instrument of incorporation or by-laws, where there is a vacancy or vacancies in the board of directors, the remaining directors may exercise all the powers of the board so long as a quorum of the board remains in office.

Calling meeting of directors

(5) In addition to any other provision in the by-laws of a provincial corporation for calling meetings of directors, a quorum of the directors may, at any time, call a meeting of the directors for the transaction of any business the general nature of which is specified in the notice calling the meeting.

Notice

(6) Subject to the by-laws of the provincial corporation, notice of the time and place for the holding of the meeting called under subsection (5) shall be given to each director of the corporation by sending the notice ten days or more before the date of the meeting to the last address of the director as shown on the records of the corporation.

Waiver of notice

(7) A director may in any manner and at any time waive a notice of a meeting of directors and attendance of a director at a meeting of directors is a waiver of notice of the meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business on the grounds that the meeting is not lawfully called.

Adjourned meeting

(8) Notice of an adjourned meeting of directors is not required to be given if the time and place of the adjourned meeting is announced at the original meeting.

Meeting by telephone, etc.

(9) Unless the by-laws otherwise provide, if all the directors of a corporation present at or participating in the meeting

b) dont la nomination ou l'élection a fait l'objet d'une approbation aux termes du présent article, tant qu'elle demeure en fonction.

Lieu des réunions

99 (1) Lorsque le règlement intérieur le prévoit, les réunions du conseil d'administration de la compagnie provinciale peuvent se tenir n'importe où au Canada. Dans les autres cas, elles se tiennent à l'endroit de son établissement principal.

Nombre minimal de réunions

(2) Les administrateurs tiennent au moins cinq réunions par année.

Quorum

(3) Sous réserve du règlement intérieur et du paragraphe (4), la majorité du nombre d'administrateurs exigé par les règlements constitue le quorum à toute réunion des administrateurs. Toutefois, le quorum ne doit en aucun cas être inférieur aux deux cinquièmes de ce nombre et doit inclure un administrateur externe.

Idem

(4) Sous réserve de l'acte constitutif ou du règlement intérieur, en cas de vacance au sein du conseil d'administration les administrateurs en fonction peuvent exercer tous les pouvoirs du conseil tant qu'il y a quorum.

Convocation de la réunion des administrateurs

(5) En outre de toute disposition du règlement intérieur relative à la convocation des réunions des administrateurs, un groupe de ceux-ci formant quorum peut convoquer une réunion des administrateurs aux fins de délibérer sur toute question dont l'objet est indiqué en termes généraux dans l'avis de convocation.

Avis

(6) Sous réserve du règlement intérieur, avis des date, heure et lieu de la réunion convoquée aux termes du paragraphe (5) est envoyé, au moins dix jours avant la date de la réunion, à chaque administrateur à la dernière adresse connue de ce dernier qui figure aux dossiers de la compagnie.

Renonciation à l'avis

(7) Les administrateurs peuvent, de quelque façon que ce soit et à n'importe quel moment, renoncer à l'avis de convocation. Leur présence à la réunion équivaut à une telle renonciation, sauf lorsqu'ils y assistent spécialement pour s'opposer aux délibérations pour le motif que la réunion n'est pas régulièrement convoquée.

Ajournement de la réunion

(8) Il n'est pas nécessaire de donner avis de l'ajournement d'une réunion si les date, heure et lieu de la reprise sont annoncés lors de la réunion initiale.

Réunion par téléphone, etc.

(9) Sauf disposition contraire du règlement intérieur et si tous les administrateurs présents ou qui participent à la réu-

consent, a meeting of directors or of a committee of directors may be held by means of such telephone, electronic or other communication facilities as permit all persons participating in the meeting to communicate with each other simultaneously and instantaneously, and a director participating in such a meeting by such means is deemed for the purposes of this Act to be present at that meeting.

Place of meeting by telephone

(10) If a majority of the directors participating in a meeting held under subsection (9) is then in Canada, the meeting shall be deemed to have been held in Canada.

Executive committee

100.—(1) The shareholders of a provincial corporation, by special resolution and subject to subsection (2), may authorize the directors to delegate any of their powers to an executive committee consisting of not fewer than three to be appointed by the directors from their number and at least one member of the executive committee shall be an outside director.

Limitations on authority

(2) No executive committee has authority to,

(a) submit to the shareholders any question or matter requiring the approval of the shareholders;

(b) fill a vacancy among the directors or the members of the audit committee, the investment committee or the approvals committee or in the office of auditor or appoint or remove the chief operating officer, however designated, the chief executive officer, however designated, the chief financial officer, however designated, the chairman of the board or the president of the corporation;

(c) issue securities except in the manner and on the terms authorized by the directors;

(d) declare dividends;

(e) purchase, redeem or otherwise acquire shares issued by the corporation;

(f) pay a commission referred to in section 53;

(g) approve a management information circular;

(h) approve a take-over bid circular, directors' circular, or issuer bid circular or any amendment to any such circular referred to in Part XIX of the *Securities Act*;

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nion du conseil ou de son comité y consentent, ceux-ci peuvent y prendre part en utilisant des moyens techniques de communication, notamment le téléphone ou des moyens électroniques, permettant à tous les participants de communiquer entre eux de façon simultanée et instantanée. L'administrateur qui participe de cette façon à la réunion est réputé, pour l'application de la présente loi, y avoir assisté.

Lieu de la réunion par téléphone

(10) Est réputée avoir lieu au Canada la réunion tenue aux termes du paragraphe (9) si la majorité des administrateurs participants se trouvent alors au Canada.

Comité directeur

100 (1) Les actionnaires d'une compagnie provinciale peuvent, par résolution spéciale et sous réserve du paragraphe (2), autoriser les administrateurs à former un comité directeur composé d'au moins trois d'entre eux, dont l'un au moins soit un administrateur externe, et à déléguer un ou plusieurs de leurs pouvoirs à ce comité.

Limitation des pouvoirs

(2) Le comité directeur ne peut :

a) soumettre aux actionnaires des questions qui nécessitent leur approbation;

b) pourvoir au poste d'un administrateur, d'un membre du comité de vérification, du comité de placements ou du comité d'approbation, ou du vérificateur, nommer ou destituer le responsable de l'exploitation, le responsable de la direction ou le responsable des finances, quelle que soit leur désignation, de même que le président du conseil d'administration ou le président de la compagnie;

c) émettre des valeurs mobilières, sauf selon les modalités et aux conditions autorisées par les administrateurs;

d) déclarer des dividendes;

e) acquérir, notamment par achat ou rachat, des actions émises par la compagnie;

f) verser la commission visée à l'article 53;

g) approuver une circulaire d'information de la direction;

h) approuver une circulaire d'offre d'achat visant à la mainmise, une circulaire de la direction ou une circulaire d'offre d'achat de l'émetteur visées à la partie XIX de la *Loi sur les valeurs mobilières* ou une modification de celles-ci;

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(i) approve any financial statements under subsection 120 (1);

(j) adopt, amend or repeal by-laws;

(k) approve any item requiring approval of the board of directors under Part IX; or

(l) approve the written procedures described in section 154.

Further limitation

(3) No business shall be transacted by an executive committee unless at least one outside director is present at the meeting.

Chairman

101.—(1) The directors of a provincial corporation shall elect from among themselves a chairman of the board.

Delegation of powers to officers

(2) The directors,

(a) may designate the offices of the corporation and may appoint officers to those offices and specify their duties; and

(b) may delegate to the officers of the corporation the power to manage the business and affairs of the corporation.

Idem

(3) The directors shall not delegate to the officers of the corporation any power that, under subsection 100 (2), cannot be exercised by an executive committee.

Qualifications

(4) Where the regulations prescribe qualifications for appointment as an officer, the directors shall not appoint a person who does not have those qualifications.

Delegation of fiduciary powers

102.—(1) Notwithstanding any law related to fiduciaries, the shareholders of a provincial trust corporation, by special resolution, may authorize the directors to delegate to the chief executive officer any powers of the corporation under a deed, will or other document creating a trust and such a delegation may authorize the chief executive officer to further delegate any such powers to any other officer or officers of the corporation.

Effect of exercise of power

(2) The exercise of a power by a person to whom it is delegated under subsection (1) constitutes an exercise of the power by the corporation.

i) approuver les états financiers visés au paragraphe 120 (1);

j) adopter, modifier ou révoquer un règlement intérieur;

k) approuver une mesure qui nécessite l'approbation du conseil d'administration aux termes de la partie IX;

l) approuver la procédure écrite visée à l'article 154.

Autre restriction

(3) Le comité directeur ne doit pas délibérer sans qu'au moins un administrateur externe soit présent.

Président du conseil d'administration

101 (1) Les administrateurs de la compagnie provinciale choisissent parmi eux le président du conseil d'administration.

Délégation de pouvoirs aux dirigeants

(2) Les administrateurs peuvent :

a) déterminer les divers postes de direction de la compagnie, y nommer des dirigeants et préciser leurs fonctions;

b) déléguer aux dirigeants de la compagnie le pouvoir de gérer ses affaires.

Idem

(3) Les administrateurs ne doivent pas déléguer aux dirigeants de la compagnie un pouvoir qui, aux termes du paragraphe 100 (2), ne peut pas être exercé par un comité directeur.

Qualités prescrites

(4) Les administrateurs ne doivent pas nommer au poste de dirigeant la personne qui n'a pas les qualités prescrites par les règlements, le cas échéant.

Délégation de pouvoirs fiduciaires

102 (1) Malgré toute loi ayant trait aux fiduciaires, les actionnaires d'une compagnie de fiducie provinciale peuvent, au moyen d'une résolution spéciale, autoriser les administrateurs à déléguer au responsable de la direction des pouvoirs que la compagnie possède en vertu d'un acte, d'un testament ou d'un autre document établissant une fiducie. La délégation peut en outre conférer au responsable de la direction le pouvoir de déléguer à son tour à un ou plusieurs dirigeants de la compagnie un ou plusieurs de ces pouvoirs.

Effet de l'exercice du pouvoir

(2) L'exercice d'un pouvoir par la personne à laquelle il a été délégué en vertu du paragraphe (1) est assimilé à son exercice par la compagnie.

Written procedures

(3) Before any powers are delegated pursuant to a special resolution described in subsection (1), the corporation shall establish written procedures related to the exercise of the powers by a delegate.

Development of procedures

(4) The procedures referred to in subsection (3) shall be developed by the investment committee of the board of directors of the corporation and shall be reviewed at least once each year by the investment committee.

Idem

(5) The investment committee shall report on its review under subsection (4) and shall give its recommendations, if any, with respect to the procedures referred to in subsection (3) to the board of directors.

Approval by board

(6) The procedures referred to in subsection (3) shall be subject to the approval of the board of directors and the board, upon receipt of any recommendation from the investment committee, shall review such procedures and make such changes as may be necessary.

Extra-provincial corporation

(7) This section also applies to an extra-provincial trust corporation with respect to the delegation of powers under any deed, will or other document creating a trust governed by the law of Ontario if the corporation is not prevented by the law of the jurisdiction in which it is incorporated from making such a delegation.

Audit and investment committees

103.—(1) The directors of a provincial corporation shall appoint from their number an audit committee and an investment committee which committees shall fulfil such duties as are required by this Act and as are prescribed by the regulations.

Idem

(2) Each committee appointed under subsection (1) shall consist of at least three members and a majority of the members shall be outside directors.

Acts not invalid

104. An act done by the board of directors or by an officer is not invalid by reason only of any defect that is thereafter discovered in the appointment, election or qualification of any of the directors or of the officer.

Resolutions

105.—(1) A resolution, signed by all the directors entitled to vote on that resolution at a meeting of directors or a committee of directors, is as valid as if it had been passed at a meeting of directors or a committee of directors.

Procédure écrite

(3) Avant que des pouvoirs ne soient délégués aux termes d'une résolution spéciale visée au paragraphe (1), la compagnie établit une procédure écrite ayant trait à l'exercice des pouvoirs par un délégué.

Élaboration de la procédure

(4) Le comité de placements du conseil d'administration de la compagnie établit la procédure visée au paragraphe (3) et la réexamine au moins une fois l'an.

Idem

(5) Le comité de placements présente au conseil d'administration un rapport concernant le réexamen visé au paragraphe (4) et lui fait ses recommandations, le cas échéant, relativement à la procédure visée au paragraphe (3).

Approbation du conseil d'administration

(6) La procédure visée au paragraphe (3) est subordonnée à l'approbation du conseil d'administration. Ce dernier, sur une recommandation du comité des placements, réexamine la procédure et y apporte les modifications qui s'imposent.

Compagnie extra-provinciale

(7) En ce qui concerne la délégation de pouvoirs en vertu d'un acte, d'un testament ou d'un autre document établissant une fiducie régie par la loi de l'Ontario, le présent article s'applique également aux compagnies extraprovinciales, à l'exception toutefois des compagnies auxquelles une telle délégation est interdite par les lois de leur territoire de constitution.

Comités de placements et de vérification

103 (1) Les administrateurs de la compagnie provinciale choisissent parmi eux les membres d'un comité de vérification et d'un comité de placements aux fins d'exercer les fonctions prévues pour ces comités par la présente loi et prescrites par les règlements.

Idem

(2) Les comités visés au paragraphe (1) se composent d'au moins trois membres dont la majorité sont des administrateurs externes.

Validité des actes

104 Les actes accomplis par les membres du conseil d'administration ou les dirigeants ne sont pas invalides pour le seul motif de l'irrégularité de leur élection ou de leur nomination ou de leur défaut des qualités requises, constatée ultérieurement.

Résolutions

105 (1) La résolution signée de tous les administrateurs habiles à voter, en ce qui concerne cette résolution, lors d'une réunion du conseil ou de son comité a la même valeur que si elle avait été adoptée au cours d'une telle réunion.

Idem

(2) A copy of every resolution passed under subsection (1) shall be kept with the minutes of the proceedings of the directors or committee of directors.

Liability

106.—(1) Directors of a provincial corporation who vote for or consent to a resolution authorizing the issue of a share for a consideration other than money are jointly and severally liable to the corporation to make good any amount by which the consideration received is less than the fair equivalent of the money that the corporation would have received if the share had been issued for money on the date of the resolution.

Idem

(2) Directors of a provincial corporation who vote for or consent to a resolution authorizing,

(a) any investment or transaction contrary to Part IX;

(b) a purchase, redemption or other acquisition of shares contrary to section 47 or 48;

(c) a reduction in the stated capital of the corporation contrary to section 50;

(d) a commission contrary to section 53;

(e) a payment of a dividend contrary to section 54;

(f) a payment of an indemnity contrary to section 110;

(g) a payment to a shareholder contrary to an order under section 211; or

(h) any other payment to a shareholder, director or officer the effect of which is to reduce the capital base of the corporation to an amount that is less than that required under this Act,

are jointly and severally liable to restore to the corporation any amounts so distributed or paid and not otherwise recovered by it.

Joint liability

(3) A director who has satisfied a judgment rendered under this section is entitled to contribution from the other directors who voted for or consented to the unlawful act upon which the judgment was founded.

(2) Un exemplaire de chaque résolution visée au paragraphe (1) est conservé avec les procès-verbaux des réunions du conseil ou du comité. Idem

106 (1) Les administrateurs de la compagnie provinciale qui, par vote ou acquiescement, adoptent une résolution autorisant l'émission d'actions en contrepartie d'un apport autre qu'en monnaie sont solidairement tenus de donner à la compagnie la différence entre la juste valeur de cet apport et l'équivalent en monnaie qu'elle aurait reçu si l'action avait été émise à la date de la résolution en contrepartie d'un apport en monnaie. Responsabilité

(2) Les administrateurs qui ont, par vote ou acquiescement, approuvé l'adoption d'une résolution autorisant : Idem

a) un placement ou une opération contrairement à la partie IX;

b) l'acquisition, notamment par achat ou rachat, d'actions contrairement aux articles 47 ou 48;

c) une réduction du capital déclaré contrairement à l'article 50;

d) le versement d'une commission contrairement à l'article 53;

e) le versement d'un dividende contrairement à l'article 54;

f) le versement d'une indemnité contrairement à l'article 110;

g) le versement de sommes d'argent à des actionnaires contrairement à une ordonnance aux termes de l'article 211;

h) tout autre paiement à un actionnaire, à un administrateur ou à un dirigeant dont l'effet est de réduire l'apport en capital de la compagnie à un montant inférieur à celui exigé par la présente loi,

sont solidairement tenus de restituer à la compagnie les sommes ainsi versées et que celle-ci n'a pas recouvrées autrement.

(3) L'administrateur qui a satisfait au jugement rendu en vertu du présent article peut répéter les sommes ainsi restituées contre chacun des administrateurs pour sa part lorsque ceux-ci ont, par vote ou acquiescement, approuvé l'adoption de la mesure illicite en cause. Responsabilité partagée

Application to Court

(4) A director found liable under this section is entitled to apply to the High Court of Justice for an order compelling a shareholder or other recipient to pay or deliver to the director any money or property that was paid or distributed to the shareholder or other recipient contrary to Part IX, section 47, 48, 50, 53, 54 or 110 or an order made under section 211.

Idem

(5) Where an application is made under subsection (4), the court may, if it is satisfied that it is equitable to do so,

(a) order a shareholder or other recipient to pay or deliver to a director any money or property that was paid or distributed to the shareholder or other recipient contrary to Part IX or section 47, 48, 50, 53, 54 or 110 or an order made under section 211;

(b) order a corporation to return or issue shares to a person from whom the corporation has purchased, redeemed or otherwise acquired shares; or

(c) make any further order it thinks fit.

Limitation period

(6) No action under subsection (1) or (2) shall be commenced in any court more than two years after the facts upon which the action is based first came to the attention of the plaintiff.

Defence

(7) A director is not liable under this section or under section 108 in respect of anything done in reliance on a report of a lawyer, accountant, engineer, appraiser or other person whose profession lends credibility to the report, if the director acts in good faith, with reasonable grounds and after reasonable investigation.

Liability for wages

107.—(1) The directors of a provincial corporation are jointly and severally liable to the employees of the corporation for all debts not exceeding six months' wages that become payable while they are directors for services performed for the provincial corporation and for the vacation pay accrued while they are directors for not more than twelve months under the *Employment Standards Act*, and the regulations thereunder or under any collective agreement made by the provincial corporation.

R.S.O. 1980, c. 137

Limitation

(2) A director is liable under subsection (1) only if,

Requête

(4) L'administrateur tenu responsable aux termes du présent article peut demander à la Haute Cour, par voie de requête, une ordonnance obligeant les bénéficiaires, notamment les actionnaires, à lui remettre les fonds ou biens versés ou donnés contrairement à la partie IX, les articles 47, 48, 50, 53, 54 ou 110 ou à l'ordonnance rendue aux termes de l'article 211.

Ordonnance du tribunal

(5) Lors de la requête visée au paragraphe (4), le tribunal peut, s'il estime équitable de le faire :

a) ordonner aux bénéficiaires de remettre à l'administrateur les fonds ou les biens versés ou donnés contrairement à la partie IX, aux articles 47, 48, 50, 53, 54 ou 110 ou à l'ordonnance rendue aux termes de l'article 211;

b) ordonner à la compagnie soit de rétrocéder les actions à la personne de qui elle les a acquises, notamment par achat ou rachat, soit d'en émettre en sa faveur;

c) rendre les ordonnances additionnelles qu'il estime pertinentes.

Prescription

(6) Est irrecevable l'action intentée en vertu des paragraphes (1) ou (2) plus de deux ans après que les faits sur lesquels se fonde l'action sont venus à la connaissance du demandeur.

Moyen de défense

(7) Un administrateur n'est pas tenu responsable aux termes du présent article ni aux termes de l'article 108 à l'égard de ce qu'il fait en se fondant sur le rapport d'un avocat, d'un comptable, d'un ingénieur, d'un évaluateur ou d'une autre personne dont la profession ajoute à la crédibilité du rapport, si l'administrateur agit de bonne foi, pour des motifs raisonnables et à la suite d'une enquête raisonnable.

Responsabilité pour salaires

107 (1) Les administrateurs sont solidairement responsables envers les employés, jusqu'à concurrence de six mois de salaire, pour des dettes qui résultent de l'exécution par ceux-ci de services pour le compte de la compagnie provinciale et qui deviennent exigibles durant leur mandat. Il en est de même pour les indemnités de vacance accumulées durant leur mandat, pour une période maximale de douze mois, aux termes de la *Loi sur les normes d'emploi* et de ses règlements ou d'une convention collective à laquelle la compagnie provinciale est partie.

L.R.O. 1980, chap. 137

Limitation

(2) Un administrateur n'est responsable aux termes du paragraphe (1) que si :

(a) the director is sued while a director or within six months after ceasing to be a director; and

(b) the action against the director is commenced within six months after the debt became payable, and

(i) the corporation is sued in the action against the director and execution against the corporation is returned unsatisfied in whole or in part, or

(ii) before or after the action is commenced the corporation is deemed insolvent and is ordered to be wound up under the *Winding-Up Act* (Canada).

R.S.C. 1970, c. W-10

Idem

(3) Where execution referred to in clause (2) (b) has issued, the amount recoverable from a director is the amount remaining unsatisfied after execution.

Rights of director who pays debt

R.S.C. 1970, c. W-10

(4) Where a director pays a debt under subsection (1), the director is entitled to any preference that the employee would have been entitled to under the *Winding-Up Act* (Canada), and, where a judgment has been obtained, the director is entitled to an assignment of the judgment.

Contribution

(5) A director who has satisfied a claim under this section is entitled to contribution from the other directors who were liable for the claim.

Deemed director

108.—(1) For the purpose of this section, a director or officer includes a person acting in a capacity similar to, or performing functions of, a director or officer.

Standard of care

(2) Every director and officer of a provincial corporation in exercising his or her powers and in discharging his or her duties,

(a) shall act honestly and in good faith with a view to the best interests of the corporation as a whole; and

(b) shall exercise the care, diligence and skill of a reasonably prudent director or officer, as the case may be, under comparable circumstances.

Idem

(3) In considering whether a particular transaction or course of action is in the best interests of the provincial corporation as a whole, a director or officer shall have due regard

a) d'une part, une action en recouvrement est intentée contre lui au cours de son mandat ou dans les six mois qui en suivent la cessation;

b) d'autre part, l'action contre lui est intentée dans les six mois après que la dette est devenue exigible et :

(i) soit que cette action en recouvrement est intentée à la fois contre l'administrateur et la compagnie, et que la saisie-exécution pratiquée contre la compagnie ne peut satisfaire au montant accordé par le jugement,

(ii) soit que la compagnie est réputée insolvable et fait l'objet d'une ordonnance de mise en liquidation en vertu de la *Loi sur les liquidations* (Canada), avant ou après l'introduction de l'action. S.R.C. 1970, chap. W-10

(3) Lorsque la saisie-exécution visée à l'alinéa (2) b) a été pratiquée, les administrateurs ne sont tenus responsables que des sommes restant à recouvrer. Idem

(4) L'administrateur qui acquitte les dettes visées au paragraphe (1) est subrogé aux droits de priorité de l'employé en vertu de la *Loi sur les liquidations* (Canada) et, si un jugement a été rendu, a le droit d'en exiger la cession. Droit de l'administrateur qui a acquitté les dettes S.R.C. 1970, chap. W-10

(5) L'administrateur qui acquitte une dette aux termes du présent article peut répéter la somme versée, chacun pour sa part, contre les administrateurs qui étaient également responsables. Répartition

108 (1) Pour l'application du présent article, les termes «administrateur» et «dirigeant» s'entendent en outre des personnes qui exercent des fonctions d'un administrateur ou d'un dirigeant, ou qui agissent à titre semblable. Administrateur réputé

(2) Les administrateurs et les dirigeants de la compagnie provinciale agissent, dans l'exercice de leurs attributions : Norme applicable

a) avec intégrité et de bonne foi, en vue de favoriser l'intérêt véritable de l'ensemble de la compagnie;

b) avec le soin, la diligence et la compétence dont ferait preuve dans des circonstances semblables l'administrateur ou le dirigeant, selon le cas, raisonnablement prudent.

(3) Pour déterminer si une opération ou une mesure donnée est susceptible de servir l'intérêt véritable de l'ensemble de la Idem

to the interests of the depositors, as well as the shareholders of the corporation and, in the case of a trust corporation, shall also have due regard to the interests of the persons for whom it acts in a fiduciary capacity.

Duty to comply with Act

(4) Every director and officer of a provincial corporation shall comply with this Act and the regulations and the corporation's instrument of incorporation and by-laws.

Cannot contract out of liability

(5) No provision in a contract, the instrument of incorporation or the by-laws or a resolution relieves a director or officer of a provincial corporation from the duty to act in accordance with this Act and the regulations or relieves the director or officer from liability for a breach thereof.

Consent of director at meeting

109.—(1) A director who is present at a meeting of directors or committee of directors shall be deemed to have consented to any resolution passed or action taken thereat unless,

(a) the director's dissent is entered in the minutes of the meeting;

(b) the director requests that a dissent be entered in the minutes of the meeting;

(c) the director sends a written dissent to the secretary of the meeting before the meeting is terminated; or

(d) the director sends a dissent by registered mail or delivers it to the principal place of business of the corporation immediately after the meeting is terminated.

Idem

(2) A director who votes for or consents to a resolution is not entitled to dissent under subsection (1).

Idem

(3) A director who was not present at a meeting at which a resolution was passed or action taken is deemed to have consented thereto unless within seven days after becoming aware of the resolution or action the director sends a dissent by registered mail or delivers it to the principal place of business of the corporation and requests that the dissent be entered in the minutes of the next meeting.

Indemnification

110.—(1) A provincial corporation may indemnify a person who is a director or officer of the corporation or a former director or officer of the corporation or a person who acts or acted at the corporation's request as a director or officer of a body corporate of which the corporation is or was a shareholder or creditor or for which the corporation acted in a fiduciary capacity, and the person's heirs and personal representatives, against all costs, charges and expenses, including an

compagnie provinciale, l'administrateur ou le dirigeant tient compte de l'intérêt des déposants comme de celui des actionnaires, ainsi que des personnes pour le compte desquelles la compagnie agit en qualité de fiduciaire, dans le cas d'une compagnie de fiducie.

Obligation d'observer la présente loi

(4) Les administrateurs et les dirigeants de la compagnie provinciale observent la présente loi et les règlements et se conforment à l'acte constitutif de la compagnie ainsi qu'au règlement intérieur.

Exonération interdite

(5) Nulle disposition d'un contrat, de l'acte constitutif, du règlement intérieur ou d'une résolution ne peut libérer les administrateurs ou les dirigeants de l'obligation d'agir conformément à la présente loi et aux règlements ni des responsabilités qui en découlent.

Acquiescement lors des réunions

109 (1) L'administrateur présent à une réunion du conseil ou d'un comité de celui-ci est réputé avoir acquiescé aux résolutions adoptées et aux mesures prises, sauf si sa dissidence, selon le cas :

a) est consignée au procès-verbal;

b) fait l'objet de sa demande à cet effet;

c) fait l'objet d'un avis écrit qu'il envoie au secrétaire de la réunion avant la fin de celle-ci;

d) est remise ou envoyée par courrier recommandé à l'établissement principal de la compagnie, immédiatement après la fin de la réunion.

Idem

(2) L'administrateur qui, par vote ou acquiescement, approuve l'adoption d'une résolution n'est pas fondé à faire valoir sa dissidence aux termes du paragraphe (1).

Idem

(3) L'administrateur absent d'une réunion au cours de laquelle une résolution a été adoptée ou une mesure prise est réputé y avoir acquiescé, sauf si, dans les sept jours suivant la date où il prend connaissance de cette résolution ou mesure, il envoie sa dissidence par courrier recommandé ou la remet à l'établissement principal de la compagnie et demande qu'elle soit consignée au procès-verbal de la prochaine réunion.

Indemnisation des administrateurs

110 (1) La compagnie provinciale peut indemniser les personnes qui sont ou ont été ses administrateurs ou dirigeants ou les personnes qui, à sa demande, agissent ou ont agi en cette qualité auprès d'une personne morale dont la compagnie

amount paid to settle an action or satisfy a judgment, reasonably incurred by or on behalf of the person in respect of any civil, criminal or administrative action or proceeding to which the person is made a party by reason of being or having been a director or officer of such corporation or body corporate if,

(a) the person acted honestly and in good faith with a view to the best interests of the corporation as a whole; and

(b) in the case of a criminal or administrative action or proceeding that is enforced by a monetary penalty, the person had reasonable grounds for believing that the conduct was lawful.

Idem

(2) A corporation may, with the approval of the High Court of Justice, indemnify a person referred to in subsection (1) in respect of an action by or on behalf of the corporation or body corporate to procure a judgment in its favour, to which the person is made a party by reason of being or having been a director or an officer of the corporation or body corporate, against all costs, charges and expenses reasonably incurred by or on behalf of the person in connection with such action if the person fulfils the conditions set out in clauses (1) (a) and (b).

Idem

(3) Notwithstanding anything in this section, a person referred to in subsection (1) is entitled to indemnity from the corporation in respect of all costs, charges and expenses reasonably incurred by the person in connection with the defence of any civil, criminal or administrative action or proceeding to which the person is made a party by reason of being or having been a director or officer of the corporation or body corporate, if the person seeking indemnity,

(a) was substantially successful on the merits in the defence of the action or proceeding; and

(b) fulfils the conditions set out in clauses (1) (a) and (b).

Liability insurance

(4) A corporation may purchase and maintain insurance for the benefit of any person referred to in subsection (1) against any liability incurred by the person in the person's capacity as a director or officer of the corporation, except where the liability relates to a failure to act honestly and in good faith with a view to the best interests of the corporation as a whole.

est actionnaire, créancière ou représentant fiduciaire, ainsi que leurs héritiers et ayants droit, de tous les frais et débours normaux, y compris les sommes versées pour la transaction d'une instance ou pour l'exécution d'un jugement, engagées par les personnes ou en leur nom lors d'une instance civile, pénale ou administrative à laquelle ils étaient parties en raison de leurs fonctions, à condition que ceux-ci :

a) d'une part, aient agi avec intégrité et de bonne foi en vue de favoriser l'intérêt véritable de l'ensemble de la compagnie;

b) d'autre part, dans le cas d'instances pénales ou administratives donnant lieu au versement d'une amende, aient eu de bonnes raisons de croire que leur conduite était conforme à la loi.

Idem

(2) La compagnie peut, avec l'approbation de la Haute Cour, indemniser les personnes visées au paragraphe (1) des frais et débours normaux engagés par les personnes ou en leur nom relativement à une instance intentée par la compagnie ou la personne morale ou pour le compte de celles-ci, en vue d'obtenir un jugement en leur faveur, et à laquelle elles étaient parties en raison de leurs fonctions, si les personnes remplissent les conditions énoncées aux alinéas (1) a) et b).

Idem

(3) Malgré le présent article, les personnes visées au paragraphe (1) ont le droit d'être indemnisées par la compagnie des frais et débours normaux engagés relativement à la défense d'une instance civile, pénale ou administrative à laquelle elles étaient parties en raison de leurs fonctions, si :

a) elles ont obtenu gain de cause sur la plupart de leurs moyens de défense, sur le fond;

b) elles remplissent les conditions énoncées aux alinéas (1) a) et b).

Assurance-responsabilité

(4) La compagnie peut souscrire au profit d'une personne visée au paragraphe (1) une assurance couvrant la responsabilité qu'elle encourt pour avoir agi en qualité d'administrateur ou de dirigeant de la compagnie, à l'exception de la responsabilité découlant du défaut d'agir avec intégrité et de bonne foi en vue de favoriser l'intérêt véritable de l'ensemble de la compagnie.

Application to Court

(5) A corporation or a person referred to in subsection (1) may on notice to the Superintendent apply to the High Court of Justice for an order approving an indemnity under this section and the court may so order and make any further order it thinks fit.

Idem

(6) Upon an application under subsection (5), the court may order that notice be given to any interested person and such person is entitled to appear and be heard in person or by counsel.

Remuneration of directors

111. The shareholders of a provincial corporation shall fix the remuneration of the directors.

Attendance records

112.—(1) Each provincial corporation shall keep a record of the total number of meetings of the directors and of the audit and investment committees and the number of such meetings attended by each director.

Idem

(2) A summary of the record kept under subsection (1) shall be sent to each shareholder and to the Superintendent with the notice of the annual meeting and shall be available on request to any depositor of the corporation.

PART VII

AUDITORS AND FINANCIAL STATEMENTS

Auditors

113.—(1) The shareholders of a provincial corporation at their first annual or special meeting shall appoint an auditor to hold office until the close of the first or next annual meeting, as the case may be, and, if the shareholders fail to do so, the directors shall forthwith make such appointment.

Idem

(2) The shareholders of every provincial corporation shall at each annual meeting appoint an auditor to hold office until the close of the next annual meeting and, if an appointment is not so made, the auditor in office continues in office until a successor is appointed.

Casual vacancy

(3) The directors may fill any casual vacancy in the office of auditor, but, while such vacancy continues, the surviving or continuing auditor, if any, may act.

Removal of auditor

(4) Except where the auditor has been appointed under subsection (8), the shareholders of a provincial corporation, by resolution passed by a majority of the votes cast at a special meeting duly called for the purpose, may remove an auditor before the expiration of the auditor's term of office, and

(5) La compagnie ou l'une des personnes visées au paragraphe (1) peuvent, sur avis au surintendant, présenter devant la Haute Cour une requête en approbation d'une indemnité aux termes du présent article. Le tribunal peut rendre une ordonnance à cet effet ainsi que toute ordonnance additionnelle qu'il juge opportune. Requête

(6) Le tribunal peut ordonner que l'avis d'une requête présentée aux termes du paragraphe (5) soit donné à tout intéressé, qui peut comparaître et se faire entendre en personne ou par l'intermédiaire d'un avocat. Idem

111 Les actionnaires de la compagnie provinciale fixent la rémunération des administrateurs. Rémunération des administrateurs

112 (1) La compagnie provinciale tient un dossier où sont consignées toutes les réunions du conseil d'administration ainsi que des comités de vérification et de placements et qui précise le nombre de ces réunions auxquelles chacun des administrateurs a assisté. Dossier des présences

(2) Un résumé du dossier tenu aux termes du paragraphe (1) est annexé à l'avis de convocation de l'assemblée annuelle et envoyé à chacun des actionnaires ainsi qu'au surintendant. Le résumé peut être consulté par les déposants de la compagnie à leur demande. Idem

PARTIE VII

VÉRIFICATEURS ET ÉTATS FINANCIERS

113 (1) Les actionnaires de la compagnie provinciale nomment, à la première assemblée annuelle ou extraordinaire, un vérificateur dont le mandat expire à la clôture de la première assemblée annuelle ou de l'assemblée annuelle suivante, selon le cas. À défaut d'être nommé par les actionnaires, le vérificateur est nommé sans délai par les administrateurs. Vérificateurs

(2) Les actionnaires nomment, à chaque assemblée annuelle, un vérificateur dont le mandat expire à la clôture de la prochaine assemblée annuelle. À défaut de nomination, le vérificateur en fonction poursuit son mandat jusqu'à la nomination de son successeur. Idem

(3) Les administrateurs peuvent combler toute vacance fortuite du poste de vérificateur. Le vérificateur survivant ou alors en fonction, s'il y en a, peut agir dans l'intervalle. Vacance fortuite

(4) Sauf si le vérificateur a été nommé en vertu du paragraphe (8), les actionnaires peuvent le révoquer avant l'expiration de son mandat par une résolution adoptée à la majorité Révocation d'un vérificateur

shall, by a majority of the votes cast at that meeting, appoint another auditor for the remainder of the removed auditor's term.

Notice

(5) Before calling a special meeting for the purpose specified in subsection (4) or an annual or special meeting where the board is not recommending the reappointment of the incumbent auditor, the corporation shall, fifteen days or more before the mailing of the notice of the meeting, give to the auditor,

(a) written notice of the intention to call the meeting, specifying therein the date on which the notice of the meeting is proposed to be mailed; and

(b) a copy of all material proposed to be sent to shareholders in connection with the meeting.

Right to make representations

(6) An auditor of a provincial corporation has the right to make to the corporation, three days or more before the mailing of the notice of the meeting, representations in writing concerning,

(a) his or her proposed removal as auditor;

(b) the appointment or election of another person to fill the office of auditor; or

(c) his or her resignation as auditor,

and the corporation, at its expense, shall forward with the notice of the meeting a copy of such representations to each shareholder entitled to receive notice of the meeting.

Remuneration

(7) The remuneration of an auditor of a provincial corporation appointed by the shareholders shall be fixed by the shareholders, or by the directors if they are authorized so to do by the shareholders, and the remuneration of an auditor appointed by the directors shall be fixed by the directors.

Appointment by Court

(8) If a provincial corporation does not have an auditor, the High Court of Justice, upon the application of a director, a shareholder or the Superintendent, may appoint and fix the remuneration of an auditor to hold office until an auditor is appointed by the shareholders.

Notice of appointment

(9) A provincial corporation, forthwith after the appointment of a person as auditor, shall give written notice of the appointment to the person and to the Superintendent.

des voix exprimées lors d'une assemblée extraordinaire dûment convoquée à cette fin. Lors de cette assemblée ils nomment à la majorité des voix son remplaçant pour la durée du mandat qui reste à courir.

Avis au vérificateur

(5) Avant de convoquer soit une assemblée extraordinaire pour les fins visées au paragraphe (4), soit une assemblée annuelle ou extraordinaire si le conseil ne recommande pas de renouveler le mandat du vérificateur en fonction, la compagnie fait parvenir au vérificateur, au moins quinze jours avant l'envoi de l'avis de convocation :

a) un avis écrit de son intention de convoquer l'assemblée en y indiquant la date proposée pour l'envoi de l'avis de convocation;

b) un exemplaire de chacun des documents relatifs à l'assemblée devant être envoyés aux actionnaires.

Droit de soumettre ses observations

(6) Le vérificateur de la compagnie provinciale a le droit de soumettre à la compagnie, au moins trois jours avant l'envoi de l'avis de convocation de l'assemblée, des observations par écrit concernant :

a) sa révocation proposée comme vérificateur;

b) la nomination ou l'élection d'une autre personne pour combler son poste;

c) sa démission en tant que vérificateur.

La compagnie, à ses propres frais, joint un exemplaire de ces observations à l'avis de convocation et le fait parvenir à chaque actionnaire qui a le droit de recevoir cet avis.

Rémunération

(7) La rémunération du vérificateur de la compagnie provinciale nommé par les actionnaires est fixée par ces derniers, ou par les administrateurs s'ils sont autorisés à cet effet par les actionnaires. La rémunération du vérificateur nommé par les administrateurs est fixée par ces derniers.

Nomination par la Haute Cour

(8) Si la compagnie provinciale n'a pas de vérificateur, la Haute Cour, à la requête d'un administrateur, d'un actionnaire ou du surintendant, peut lui en nommer un et fixer sa rémunération. Ce vérificateur demeure en fonction jusqu'à la nomination de son successeur par les actionnaires.

Avis de la nomination

(9) Lorsqu'un vérificateur a été nommé, la compagnie provinciale en avise sans délai celui-ci et le surintendant par écrit.

Notice of vacancy

(10) Where a provincial corporation has a vacancy in the office of auditor, it shall give notice of the vacancy forthwith to the Superintendent.

Right to attend shareholder meetings

114.—(1) The auditor of a provincial corporation is entitled to receive notice of every meeting of shareholders and, at the expense of the corporation, may attend and be heard at any such meeting on matters relating to his or her duties as auditor.

Attend upon request

(2) If any director or shareholder of a provincial corporation, whether or not the shareholder is entitled to vote at the meeting, gives written notice, at least five days before a meeting of shareholders, to the auditor or a former auditor of the corporation, the auditor or former auditor shall attend the meeting, at the expense of the corporation, and answer questions relating to his or her duties as auditor.

Idem

(3) An auditor is not required to comply with subsection (2) where it clearly appears that the request under subsection (2) is made primarily for the purpose of enforcing a personal claim or redressing a personal grievance against the corporation or any of its directors, officers or security holders, or for a purpose that is not related in any significant way to the duties of the auditor.

Idem

(4) A director or shareholder who sends a notice referred to in subsection (2) shall send concurrently a copy of the notice to the corporation.

Replacement auditor

(5) No person shall accept appointment or consent to be appointed as auditor of a provincial corporation if the person is replacing an auditor who has resigned, been removed or whose term of office has expired or is about to expire until the person has requested and received from that auditor a written statement of the circumstances surrounding and the reasons, in the departing auditor's opinion, for the replacement.

Idem

(6) Notwithstanding subsection (5), a person otherwise qualified may accept appointment or consent to be appointed as auditor of a corporation if, within fifteen days after making the request referred to in that subsection, the person does not receive a reply.

Idem

(7) A person receiving a statement under subsection (5) shall promptly deliver a copy of the statement to the Superintendent and if no statement is received from the auditor being replaced within fifteen days after the request referred to in subsection (5), the person requesting the statement shall promptly give notice to the Superintendent of this fact.

(10) La compagnie provinciale avise sans délai le surintendant de toute vacance survenue au poste de vérificateur. Avis de poste vacant

114 (1) Le vérificateur de la compagnie provinciale a le droit de recevoir avis de toute assemblée d'actionnaires et peut y assister aux frais de la compagnie et y être entendu sur toute question relative à ses fonctions en tant que vérificateur. Le vérificateur assiste à l'assemblée des actionnaires

(2) Lorsqu'un administrateur ou un actionnaire habile ou non à voter donnent au vérificateur ou à l'ancien vérificateur de la compagnie provinciale avis écrit, au moins cinq jours avant l'assemblée, celui-ci y assiste aux frais de la compagnie et répond à toute question relative à ses fonctions en tant que vérificateur. Présence nécessaire sur demande

(3) Le vérificateur n'est pas tenu de se conformer au paragraphe (2) s'il apparaît nettement que sa convocation a pour objet principal, soit une demande personnelle ou le redressement d'un grief personnel contre la compagnie ou l'un de ses administrateurs, dirigeants ou détenteurs de valeurs mobilières, soit une question qui n'a aucun lien important avec les fonctions du vérificateur. Idem

(4) L'administrateur ou l'actionnaire qui envoie l'avis visé au paragraphe (2) en envoie simultanément copie à la compagnie. Idem

(5) Nul ne doit accepter de remplacer le vérificateur de la compagnie provinciale qui a démissionné ou a été révoqué ou dont le mandat est expiré ou est sur le point d'expirer, avant d'avoir demandé et obtenu que celui-ci expose par écrit les circonstances de son remplacement, ainsi que les motifs qui, à son avis, l'expliquent. Nouveau vérificateur

(6) Malgré le paragraphe (5), toute personne par ailleurs compétente peut accepter d'être nommée vérificateur si, dans les quinze jours suivant la demande visée à ce paragraphe, elle ne reçoit pas de réponse. Idem

(7) La personne qui reçoit l'exposé écrit visé au paragraphe (5) en envoie promptement une copie au surintendant. L'auteur d'une demande qui ne reçoit pas cet exposé dans les quinze jours en notifie promptement le surintendant. Idem

Idem

(8) Any interested person may apply to the High Court of Justice for an order declaring the office of auditor of a provincial corporation to be vacant if the auditor has not complied with subsection (5), unless subsection (6) applies with respect to the appointment of the auditor.

No liability

115.—(1) An auditor or former auditor who in good faith makes an oral or written statement or report under this Act shall not be liable in any civil action arising therefrom.

Exceptions

(2) Subsection (1) does not relieve an auditor or former auditor from liability in connection with a report referred to in subsection 118 (1) or clause 120 (1) (b).

Disqualification

116.—(1) A person is disqualified from being an auditor of a provincial corporation, unless the person is an accountant and independent of,

(a) the corporation and its affiliates; and

(b) the directors and officers of the corporation and its affiliates.

Idem

(2) For the purposes of this section,

(a) independence is a question of fact; and

(b) a person shall be deemed not to be independent if,

(i) the person, the person's business partner or a spouse or child of the person or partner who has the same home as the person or partner, as the case may be,

(A) is a business partner, director or officer of the corporation or any of its affiliates,

(B) beneficially owns directly or indirectly or exercises control or direction over 10 per cent or more of the voting shares of the corporation or any of its affiliates, or

(C) has been a receiver, a receiver and manager, a liquidator or a trustee in bankruptcy of the corporation or any of its affiliates within two years of the person's proposed appointment as auditor of the corporation, or

(8) Toute personne intéressée peut, par voie de requête, demander à la Haute Cour de rendre une ordonnance aux fins de déclarer vacant le poste de vérificateur, si ce dernier ne s'est pas conformé au paragraphe (5), sauf le cas d'application du paragraphe (6). Idem

115 (1) Le vérificateur ou son prédécesseur qui de bonne foi fait une déclaration ou un rapport, oraux ou écrits, aux termes de la présente loi ne peut pas être tenu responsable dans toute instance civile qui en résulte. Absence de responsabilité

(2) Le paragraphe (1) ne dégage pas le vérificateur ou son prédécesseur de la responsabilité à l'égard du rapport visé au paragraphe 118 (1) ou à l'alinéa 120 (1) b). Exceptions

116 (1) Pour être vérificateur d'une compagnie provinciale, il faut être comptable et être indépendant : Qualités requises

a) de la compagnie et des membres du même groupe;

b) des administrateurs et dirigeants de la compagnie et de ceux des membres du même groupe.

(2) Pour l'application du présent article : Idem

a) l'indépendance est une question de fait;

b) une personne est réputée ne pas être indépendante si :

(i) la personne, son associé ou le conjoint ou l'enfant de la personne ou de l'associé qui habite avec la personne ou avec l'associé, selon le cas :

(A) est un associé, administrateur ou dirigeant de la compagnie ou d'un membre du même groupe,

(B) est le propriétaire à titre bénéficiaire, directement ou indirectement, de 10 pour cent ou plus des actions de la compagnie assorties du droit de vote ou de celles des membres du même groupe, ou détient le contrôle de ce nombre de ces actions,

(C) a été le séquestre, l'administrateur-séquestre, le liquidateur ou le syndic de faillite de la compagnie ou d'un membre du même groupe dans les deux ans précédant la proposition de sa nomination au poste de vérificateur,

(ii) the person or the person's business partner is an employee of the corporation or any of its affiliates.

Saving

(3) No person shall be disqualified from acting as the auditor of a provincial corporation solely on the grounds that the person is a depositor in the corporation.

Resignation

(4) An auditor who becomes disqualified under this section shall resign forthwith upon becoming aware of the disqualification.

Application to Court

(5) An interested person may apply to the High Court of Justice for an order declaring an auditor to be disqualified under this section and the office of auditor to be vacant.

Auditor appointment for subsidiary

117. A provincial corporation shall, where practical, cause its auditor or one of its auditors to be appointed auditor of any body corporate in which the corporation has invested its funds under section 169, and where such appointment is not practical, the provincial corporation shall inform the Superintendent of the circumstances that prevent the appointment.

Examination

118.—(1) An auditor of a provincial corporation shall make such examination of the financial statements required by this Act and the regulations to be placed before shareholders and of the annual return to be filed with the Superintendent under section 135 as is necessary to enable the auditor to report thereon and the auditor shall report as prescribed and in accordance with generally accepted auditing standards.

Reporting error

(2) A director or an officer of a provincial corporation shall forthwith notify the audit committee and the auditor or the former auditor, if applicable, of any error or misstatement of which the director or officer becomes aware in a financial statement or annual return filed with the Superintendent that the auditor or the former auditor has reported upon if the error or misstatement in all the circumstances appears to be material.

Idem

(3) If an auditor or former auditor of a provincial corporation is notified or becomes aware of an error or misstatement in a financial statement or return filed with the Superintendent upon which the auditor or former auditor has reported and if, in the opinion of the auditor or former auditor, the error or misstatement is material, the auditor or former auditor shall inform each director.

(ii) la personne ou son associé est un employé de la compagnie ou d'un membre du même groupe.

Exception

(3) Ne constitue pas une inhabilité à exercer les fonctions de vérificateur, le seul fait d'être déposant auprès de la compagnie provinciale.

Démission

(4) Le vérificateur qui apprend qu'il est devenu inhabile aux termes du présent article démissionne sans délai.

Requête à la Haute Cour

(5) Toute personne intéressée peut, par voie de requête, demander à la Haute Cour de rendre une ordonnance déclarant que le vérificateur est inhabile aux termes du présent article et que le poste est vacant.

Vérificateur nommé auprès d'une filiale

117 La compagnie provinciale fait nommer, si cela est pratique, l'un de ses vérificateurs à ce titre auprès de la personne morale dans laquelle la compagnie a effectué des placements aux termes de l'article 169. S'il n'est pas pratique de faire cette nomination, la compagnie provinciale fait part au surintendant des circonstances qui l'empêchent.

Examen

118 (1) Le vérificateur procède à l'examen des états financiers que la présente loi et les règlements exigent de soumettre aux actionnaires ainsi que du rapport annuel devant être déposé auprès du surintendant aux termes de l'article 135 qui est nécessaire afin de lui permettre de produire son rapport. Il fait ce rapport selon les modalités prescrites et conformément aux normes de vérification généralement reconnues.

Avis d'erreurs

(2) Tout administrateur ou dirigeant avise sans délai le comité de vérification de même que le vérificateur ou son prédécesseur, selon le cas, des erreurs ou des renseignements inexacts dont il prend connaissance dans les états financiers ou le rapport annuel déposé auprès du surintendant et qui ont fait l'objet d'un rapport de la part du vérificateur ou de l'un de ses prédécesseurs, si ces erreurs ou renseignements inexacts semblent importants compte tenu des circonstances.

Idem

(3) Le vérificateur ou celui de ses prédécesseurs qui prend connaissance d'erreurs ou de renseignements inexacts dans des états financiers ou le rapport déposé auprès du surintendant et qui ont fait l'objet d'un rapport de sa part, en informe chaque administrateur s'il est d'avis que ces erreurs ou renseignements inexacts sont importants.

Revised financial statements

(4) When under subsection (3) the auditor or former auditor informs the directors of an error or misstatement in a financial statement, the directors shall promptly prepare and issue revised financial statements or otherwise inform the shareholders.

Notice to Superintendent

(5) When under subsection (3) the auditor or former auditor informs the directors of an error or misstatement in a return filed with the Superintendent, the directors shall promptly notify the Superintendent.

Right of access

(6) Upon the demand of an auditor of a provincial corporation, the present or former directors, officers, employees or agents of the corporation shall furnish such,

(a) information and explanations; and

(b) access to records, documents, books, accounts and vouchers of the corporation and any of its subsidiaries,

as are, in the opinion of the auditor, necessary to enable the auditor to make the examination and report required under this section and that the directors, officers, employees or agents are reasonably able to furnish.

Idem

(7) Upon the demand of the auditor of a provincial corporation, the directors of the corporation shall,

(a) obtain from the present or former directors, officers, employees and agents of any subsidiary of the corporation the information and explanations that the present or former directors, officers, employees and agents are reasonably able to furnish and that are, in the opinion of the auditor, necessary to enable the auditor to make the examination and report required under this section; and

(b) furnish the information and explanations so obtained to the auditor.

No liability

(8) A person who in good faith makes an oral or written communication under subsection (6) or (7) shall not be liable in any civil action arising therefrom.

Reports to board

119.—(1) The auditor shall report to the board of directors of the provincial corporation whenever he or she becomes aware that,

(4) Lorsque le vérificateur ou son prédécesseur informent les administrateurs de l'existence d'erreurs ou de renseignements inexacts dans les états financiers aux termes du paragraphe (3), les administrateurs en informent promptement les actionnaires, notamment en dressant et en publiant des états financiers rectifiés. États financiers rectifiés

(5) Les administrateurs notifient promptement le surintendant des erreurs ou des renseignements inexacts reproduits dans un rapport qui est déposé auprès de celui-ci et qui leur sont signalés par le vérificateur ou son prédécesseur aux termes du paragraphe (3). Avis au surintendant

(6) À la demande du vérificateur, les administrateurs, dirigeants, employés ou mandataires de la compagnie provinciale ou leurs prédécesseurs doivent : Droit d'accès

a) lui donner des renseignements et des éclaircissements;

b) lui donner accès aux dossiers, documents, livres, comptes et pièces justificatives de la compagnie ou de ses filiales,

qui, à son avis, sont nécessaires aux fins de l'examen et du rapport visés par le présent article et que ces personnes sont raisonnablement en mesure de fournir.

(7) À la demande du vérificateur, les administrateurs de la compagnie provinciale doivent : Idem

a) obtenir des administrateurs, dirigeants, employés ou mandataires de toute filiale de la compagnie ou de leurs prédécesseurs, tous les renseignements et éclaircissements que ces personnes sont raisonnablement en mesure de fournir et qui, de l'avis du vérificateur, sont nécessaires aux fins de l'examen et du rapport visés par le présent article;

b) communiquer au vérificateur les renseignements et éclaircissements ainsi obtenus.

(8) La personne qui de bonne foi fait une divulgation orale ou écrite aux termes des paragraphes (6) ou (7) ne peut pas être tenue responsable dans toute instance civile qui en résulte. Absence de responsabilité

119 (1) Lorsque le vérificateur apprend l'existence d'une des circonstances suivantes, il fait rapport au conseil d'administration de la compagnie provinciale : Rapport au conseil d'administration

(a) there has been a change in the circumstances of the corporation that might reasonably be expected to materially and adversely affect the financial position of the corporation;

(b) there are circumstances that indicate that there may have been a contravention of this Act or the regulations; or

R.S.O. 1980, c. 466
R.S.C. 1952, c. 148

(c) there are circumstances that indicate that there may have been a contravention of the *Securities Act*, the *Income Tax Act* (Canada) or the regulations made under those Acts.

Idem

(2) The auditor shall make a report under subsection (1) immediately upon becoming aware of a change or contravention described in that subsection.

Notice to Superintendent

(3) The auditor shall report to the Superintendent any matter dealt with in a report under subsection (1) which in the opinion of the auditor could affect the well-being of the provincial corporation and has not been corrected or appropriately responded to by the board of directors within thirty days of the day that the matter was reported to the board of directors.

Exception

(4) An auditor is not required to make a report under this section unless the auditor becomes aware of the change or contravention described in subsection (1) in the ordinary course of his or her duties as auditor.

Financial statements, etc., to be given to shareholders

120.—(1) The directors of a provincial corporation shall place before each annual meeting of shareholders,

(a) financial statements in consolidated form for the fiscal year ending on the last day of October, November or December before the annual meeting made up of,

(i) a statement of income for the year,

(ii) a statement of retained earnings for the year,

(iii) a statement of changes in financial position for the year,

(iv) a balance sheet as at the end of the year,

(v) for the second and subsequent fiscal years, the comparative figures for the preceding year;

a) la conjoncture dans laquelle se trouve la compagnie a subi une modification vraisemblablement susceptible de porter gravement atteinte à sa situation financière;

b) certaines indications signalent qu'il y a peut-être eu contravention à la présente loi ou aux règlements;

c) certaines indications signalent qu'il y a peut-être eu contravention à la *Loi sur les valeurs mobilières*, à la *Loi de l'impôt sur le revenu* (Canada) ou aux règlements pris en application de ces lois. L.R.O. 1980, chap. 466 S.R.C. 1952, chap. 148

Idem

(2) Le vérificateur fait rapport aux termes du paragraphe (1) dès qu'il a connaissance de la modification ou de la contravention visées à ce paragraphe.

Rapport au surintendant

(3) Le vérificateur fait rapport au surintendant de toute situation relevée dans le rapport prévu au paragraphe (1) qui, à son avis, est susceptible de porter atteinte à la bonne marche de la compagnie provinciale et que le conseil d'administration n'a pas corrigée ou à laquelle il n'a pas donné réponse dans les trente jours de la date à laquelle la situation lui a été signalée.

Exception

(4) Le vérificateur n'est pas tenu de faire rapport aux termes du présent article, à moins que la modification ou la contravention visées au paragraphe (1) ne soient portées à sa connaissance lors de l'exercice normal de ses fonctions en tant que vérificateur.

États financiers remis aux actionnaires

120 (1) Les administrateurs de la compagnie provinciale présentent à chaque assemblée annuelle des actionnaires :

a) des états financiers consolidés pour l'exercice se terminant le dernier jour d'octobre, de novembre ou de décembre qui précède l'assemblée annuelle et qui comprennent :

(i) l'état des résultats de cet exercice,

(ii) l'état des bénéfices non répartis de cet exercice,

(iii) l'état de l'évolution de la situation financière pendant cet exercice,

(iv) le bilan à la fin de l'exercice,

(v) les chiffres correspondants de l'exercice précédent, s'il s'agit du deuxième exercice ou d'un exercice subséquent;

(b) the report of the auditor to the shareholders on the statements referred to in subclauses (a) (i) to (iv);

(c) the financial statement of the corporation in unconsolidated form;

(d) any further information respecting the financial position of the corporation and the results of its operations required by its instrument of incorporation or its by-laws or by this Act or the regulations.

Copy of documents to shareholders

(2) A provincial corporation, not less than twenty-one days before each annual meeting of shareholders unless such period is waived by the shareholders, shall send a copy of the documents referred to in this section to each shareholder, except those who have informed the corporation in writing that they do not wish to receive copies of the documents.

Copy of documents to depositors

(3) A provincial corporation shall mail or deliver without charge a copy of the documents referred to in this section to every depositor of the corporation who in writing requests a copy.

Preparation of financial statements

121. The financial statements required under this Act shall be prepared in accordance with this Act and the regulations and, except as otherwise required under this Act and the regulations, in accordance with generally accepted accounting principles.

Audit committee

122.—(1) The audit committee of a provincial corporation shall meet at least twice each year to review,

(a) any financial statements distributed to the shareholders;

(b) the annual returns of the corporation filed with the Superintendent under section 135;

(c) all reports of the auditor under section 119; and

(d) any reports or transactions required by the regulations to be reviewed by the audit committee.

Idem

(2) In the case of statements and returns that under this Act must be approved by the board of directors of a provincial corporation, the audit committee shall report thereon to the board before the approval is given.

Auditor's attendance

(3) The auditor of a provincial corporation is entitled to attend and be heard at all meetings of the audit committee and shall attend at least two of its meetings each year.

b) le rapport du vérificateur destiné aux actionnaires concernant les états financiers visés aux sous-alinéas a) (i) à (iv);

c) les états financiers non consolidés de la compagnie;

d) tout renseignement supplémentaire concernant la situation financière de la compagnie ainsi que le produit de ses opérations qu'exigent son acte constitutif, son règlement intérieur, la présente loi ou les règlements.

Exemplaire des documents aux actionnaires

(2) Sauf si les actionnaires renoncent à ce délai, la compagnie provinciale envoie au moins vingt et un jours avant l'assemblée annuelle à ceux d'entre eux qui n'ont pas exprimé par écrit leur désir de ne pas les recevoir, une copie des documents visés au présent article.

Exemplaire des documents aux déposants

(3) La compagnie provinciale poste ou délivre gratuitement, à chaque déposant qui en fait la demande par écrit, une copie des documents visés au présent article.

Établissement des états financiers

121 Les états financiers exigés aux termes de la présente loi sont dressés en conformité avec celle-ci et les règlements et, sauf disposition contraire de la présente loi ou des règlements, selon les normes comptables généralement reconnues.

Comité de vérification

122 (1) Les membres du comité de vérification de la compagnie provinciale se réunissent au moins deux fois l'an afin d'examiner :

a) les états financiers remis aux actionnaires;

b) les rapports annuels de la compagnie déposés auprès du surintendant aux termes de l'article 135;

c) tous les rapports du vérificateur visés à l'article 119;

d) les rapports et opérations dont les règlements exigent un examen par le comité de vérification.

Idem

(2) Le comité de vérification fait préalablement rapport au conseil d'administration des états et des rapports qui doivent être approuvés par celui-ci aux termes de la présente loi.

Présence du vérificateur

(3) Le vérificateur de la compagnie provinciale a le droit d'assister et d'être entendu à toutes les réunions du comité de vérification, et doit y assister au moins deux fois l'an.

Calling meeting

(4) The auditor, a member of the audit committee or a director may call a meeting of the audit committee of a provincial corporation at any time.

Attendance at meetings of board of directors

(5) The auditor of a provincial corporation is entitled to attend and be heard at meetings of the board of directors on matters relating to his or her duties as auditor.

Notice of meetings

(6) The board of directors and the audit committee of a provincial corporation shall give reasonable notice of their meetings to the corporation's auditor.

Approval by directors

123.—(1) The financial statements of a provincial corporation shall be approved by the board of directors and the approval shall be evidenced by the signature at the foot of the balance sheet by two of the directors duly authorized to sign and the auditor's report shall be attached to or accompany the financial statements.

Idem

(2) One of the directors signing a balance sheet as required by subsection (1) must be a member of the audit committee.

Publishing, etc., of financial statements

(3) A provincial corporation shall not circulate copies of the financial statements of the provincial corporation referred to in section 120 unless the financial statements are,

(a) approved and signed in accordance with subsections (1) and (2); and

(b) accompanied by the report of the auditor of the corporation.

Interim financial statement

124.—(1) A provincial corporation that is an offering corporation shall send to each shareholder a copy of every interim financial statement required to be filed under the *Securities Act* and the regulations thereunder.

R.S.O. 1980, c. 466

Idem

(2) The interim financial statement required by subsection (1) shall be sent to each shareholder, within sixty days of the date to which it is made up, at the shareholder's latest address as shown on the records of the corporation.

Exception

(3) Notwithstanding subsection (2), interim financial statements need not be sent to those shareholders who have informed the corporation in writing that they do not wish to receive them.

Convocation aux réunions

(4) Le comité de vérification de la compagnie provinciale peut être convoqué par l'un de ses membres, par le vérificateur ou par un administrateur.

Présence aux réunions du conseil d'administration

(5) Le vérificateur de la compagnie provinciale a le droit d'assister aux réunions du conseil d'administration et à y être entendu sur toute question relative à ses fonctions en tant que vérificateur.

Préavis des réunions

(6) Le conseil d'administration et le comité de vérification de la compagnie provinciale donnent au vérificateur de la compagnie un préavis suffisant de leurs réunions.

Approbation par les administrateurs

123 (1) Les états financiers doivent recevoir l'approbation du conseil d'administration, qui doit être attestée par la signature au bas du bilan de deux des administrateurs dûment autorisés à cet effet. Le rapport du vérificateur accompagne les états financiers ou y est annexé.

Idem

(2) L'un des administrateurs qui appose sa signature au bas du bilan conformément au paragraphe (1) doit être membre du comité de vérification.

Diffusion des états financiers

(3) La compagnie provinciale ne doit diffuser les états financiers visés à l'article 120 que s'ils :

a) ont été approuvés et signés conformément aux paragraphes (1) et (2);

b) sont accompagnés du rapport du vérificateur.

État financier périodique

L.R.O. 1980, chap. 466

124 (1) La compagnie provinciale qui fait appel au public envoie à chaque actionnaire un exemplaire de chaque état financier périodique dont la *Loi sur les valeurs mobilières* et ses règlements exigent le dépôt.

Idem

(2) L'état financier périodique visé au paragraphe (1) est envoyé, dans un délai de soixante jours après la date de son établissement, à chaque actionnaire à sa dernière adresse qui paraît aux dossiers de la compagnie.

Exception

(3) Malgré le paragraphe (2), il n'est pas nécessaire d'envoyer des états financiers périodiques aux actionnaires qui ont exprimé par écrit leur désir de ne pas les recevoir.

PART VIII

BOOKS, RECORDS AND RETURNS

Records

125.—(1) Where this Act requires a record to be kept by a corporation, it may be kept in a bound or looseleaf book or may be entered or recorded by any photographic system, any system of mechanical or electronic data processing or any other information storage system and it shall be kept for such period as may be prescribed.

Security of records and availability

(2) A corporation shall,

(a) take adequate precautions, appropriate to the means used, for guarding against the risk of falsifying the information recorded in its records; and

(b) provide means for making the information recorded in its records available in an accurate and intelligible form within a reasonable time to any person lawfully entitled to examine the records.

Admissibility of records in evidence

(3) The bound or looseleaf book referred to in subsection (1) or, where the record is not kept in a book, the information in the form in which it is made available under clause (2) (b) is admissible in evidence as *prima facie* proof, before and after dissolution of the corporation, of all facts stated therein.

False information

(4) No person shall remove, withhold or destroy information required by this Act or the regulations to be recorded, or knowing any information to be untrue, shall record or assist in recording it in a record.

Location of records

126.—(1) Every registered corporation shall keep its instrument of incorporation and its by-laws at its principal place of business or at such place in Ontario other than the principal place of business as the directors designate and the corporation shall maintain at the principal place of business or at the designated place,

(a) minutes of meetings and resolutions of shareholders;

(b) a register of directors in which are set out the names and residence addresses, while directors, including the street and number, if any, of all persons who are or have been directors of the corporation with the several dates on which each became or ceased to be a director;

PARTIE VIII

LIVRES, DOSSIERS ET RAPPORTS

Dossiers

125 (1) Les dossiers dont la présente loi requiert la tenue peuvent être conservés soit dans un livre relié ou à feuilles mobiles, soit à l'aide d'un procédé de mise en mémoire de l'information, notamment d'un procédé photographique ou d'un procédé mécanique ou électronique de traitement des données. Ils sont conservés pendant la période prescrite.

Prévention de la falsification des dossiers

(2) La compagnie prend :

a) les mesures adéquates qui s'imposent en fonction du mode utilisé afin d'empêcher la falsification des inscriptions consignées à ses dossiers;

b) des mesures afin de communiquer dans un délai normal des renseignements consignés à ses dossiers sous une forme compréhensible et précise, à la personne autorisée par la loi à les consulter.

Recevabilité de la preuve d'après les dossiers

(3) Sont recevables comme preuve *prima facie* de leur contenu, avant et après la dissolution de la compagnie, les livres visés au paragraphe (1), ou, si les dossiers ne sont pas conservés dans un livre, les renseignements sous la forme sous laquelle ils sont communiqués aux termes de l'alinéa (2) b).

Falsification des renseignements

(4) Nul ne doit soustraire, retenir ou supprimer les renseignements dont la présente loi ou les règlements exigent l'inscription, ou, sachant que des renseignements sont faux, les inscrire ou aider à leur inscription dans un dossier.

Endroit où sont conservés les dossiers

126 (1) La compagnie inscrite conserve à son établissement principal ou dans un autre endroit en Ontario que désignent les administrateurs son acte constitutif et son règlement intérieur. Elle y conserve aussi :

a) les procès-verbaux des assemblées et les résolutions des actionnaires;

b) un registre des administrateurs où sont inscrits les noms et adresses personnelles, incluant la rue et le numéro, le cas échéant, de toutes les personnes qui sont ou qui ont été des administrateurs, de même que leurs diverses dates de désignation et de cessation des fonctions;

(c) a securities register complying with section 127; and

(d) a copy of the procedures referred to in section 154.

Idem

(2) An extra-provincial corporation that does not have its head office in Ontario shall be deemed to have complied with subsection (1) if it maintains at a place in Ontario designated by the directors a copy of its instrument of incorporation and its by-laws, and a copy of every minute, resolution, record and register referred to in clauses (1) (a), (b) and (c).

Idem

(3) In addition to the records described in subsection (1), a provincial corporation shall maintain in Ontario, and a registered extra-provincial corporation shall maintain in Canada,

(a) adequate accounting records as required by this Act or the regulations;

(b) records containing minutes of meetings and resolutions of the directors and every committee thereof;

(c) a record of all investments held by the corporation; and

(d) copies of all returns to the Superintendent required by this Act or the regulations.

Idem

(4) In addition to the records described in subsections (1) and (3), a registered corporation shall maintain in Canada,

(a) a record of all depositors, their names and addresses as far as is known and the sums deposited by such depositors;

(b) where the corporation is a trust corporation, full and adequate records relating to the fiduciary activities of the corporation.

Securities register

127.—(1) A provincial corporation shall maintain a securities register in which it records the securities issued by it in registered form, showing with respect to each class or series of securities,

(a) the names, alphabetically arranged of persons who,

(i) are or have been within six years registered as shareholders of the corporation, the residency of such shareholders, the address including the street and number, if any, of every such person while a holder, and the number and class or series of shares registered in the name of such holder,

c) un registre des valeurs mobilières conforme à l'article 127;

d) un exemplaire de la procédure écrite visée à l'article 154.

Idem (2) La compagnie extraprovinciale dont le siège social est situé en dehors de l'Ontario est réputée s'être conformée au paragraphe (1) si elle conserve, dans l'endroit de l'Ontario que désignent les administrateurs, une copie de son acte constitutif, de son règlement intérieur, ainsi que des procès-verbaux, résolutions, dossiers, et registres visés aux alinéas (1) a), b) et c).

Idem (3) Outre les dossiers visés au paragraphe (1), la compagnie provinciale tient en Ontario et la compagnie extraprovinciale inscrite tient au Canada :

a) des registres comptables adéquats tels qu'exigés par la présente loi ou les règlements;

b) des dossiers où figurent les procès-verbaux des réunions du conseil d'administration et de ses comités, ainsi que leurs résolutions;

c) un dossier de tous les placements détenus par la compagnie;

d) une copie de tous les rapports dont la présente loi ou les règlements exigent le dépôt auprès du surintendant.

Idem (4) Outre les dossiers visés aux paragraphes (1) et (3), la compagnie inscrite tient au Canada :

a) un dossier de tous les déposants, incluant leurs noms et adresses dans la mesure où ils sont connus, de même que les sommes qu'ils ont déposées;

b) s'il s'agit d'une compagnie de fiducie, des dossiers adéquats et détaillés relativement aux activités fiduciaires de la compagnie.

Registre des valeurs mobilières **127** (1) La compagnie provinciale tient un registre des valeurs mobilières où sont inscrites les valeurs mobilières nominatives qu'elle a émises, énonçant quant à chaque catégorie ou série :

a) les noms, par ordre alphabétique, des personnes qui sont ou qui au cours des six dernières années ont été inscrites :

(ii) are or have been within six years registered as holders of subordinated notes of the corporation, the address including the street and number, if any, of every such person while a holder, and the principal amount of the subordinated notes registered in the name of such holder, or

(iii) are or have been within six years registered as holders of warrants of the corporation, the address including the street and number, if any, of every such person while a registered holder, and the class or series and number of warrants registered in the name of such holder; and

(b) the date and particulars of the issue of each security.

Transfer register

(2) A provincial corporation shall cause to be kept in Ontario a register of transfers in which all transfers of securities issued by the corporation in registered form and the date and other particulars of each transfer shall be set out.

Branch transfer registers

(3) A provincial corporation may maintain branch transfer registers at one or more places in Canada.

Transfer agents

128. For each class of securities issued by it, a provincial corporation may appoint,

(a) a trustee, transfer agent or other agent to keep the securities register and the register of transfers and one or more persons or agents to keep branch registers; and

(b) a registrar, trustee or agent to maintain a record of issued security certificates and warrants,

and one person may be appointed for the purposes of both clauses (a) and (b) in respect of all securities of the corporation or any class or classes thereof.

Valid registration

129.—(1) Registration of the transfer of a security of a provincial corporation in the register of transfers or a branch register of transfers is a complete and valid registration for all purposes.

(i) à titre d'actionnaires, de même que leur résidence, l'adresse de chacune d'elles à cette époque, y compris la rue et le numéro, le cas échéant, ainsi que le nombre et la catégorie ou série d'actions inscrites à leur nom,

(ii) à titre de détenteurs de titres subalternes, de même que leur adresse à cette époque, y compris la rue et le numéro, le cas échéant, ainsi que le montant en capital des titres subalternes inscrits à leur nom,

(iii) à titre de détenteurs de bons de souscription de la compagnie, de même que leur adresse à cette époque, y compris la rue et le numéro, le cas échéant, ainsi que la catégorie ou la série et le nombre de bons inscrits à leur nom;

b) la date de même que les détails de l'émission de toutes les valeurs mobilières.

Registre des transferts

(2) La compagnie provinciale tient un registre des transferts où sont inscrits tous les transferts de valeurs mobilières nominatives qu'elle a émises et où sont énoncés la date et les autres détails relatifs à chacun des transferts.

Registres locaux de transferts

(3) La compagnie provinciale peut tenir des registres locaux de transferts à plus d'un endroit au Canada.

Agents des transferts

128 La compagnie provinciale peut, à l'égard de chaque catégorie de valeurs mobilières qu'elle émet :

a) confier la tenue du registre des valeurs mobilières et du registre des transferts à un fiduciaire, agent des transferts ou autre agent, et confier la tenue de registres locaux à une ou plusieurs personnes ou agents;

b) confier la tenue d'un dossier des certificats de valeurs mobilières et des bons de souscription émis à un agent d'inscription, fiduciaire ou autre agent.

Une seule personne peut être nommée aux fins des alinéas a) et b) relativement à toutes catégories de valeurs mobilières ou relativement à une ou plusieurs catégories de celles-ci.

Inscription valide

129 (1) L'inscription de valeurs mobilières au registre des transferts ou au registre local des transferts de la compagnie provinciale constitue une inscription complète et valide à toutes fins.

Entry in register of transfers

(2) Particulars of every transfer of securities registered in every branch register of transfers shall be recorded in the register of transfers.

Documents not required to be produced

(3) A provincial corporation or a person appointed under section 128 is not required to produce,

(a) any security certificate or warrant that is not in registered form; or

(b) any security certificate or warrant that is in registered form after six years,

(i) in the case of a share certificate, from the date of its cancellation,

(ii) in the case of a warrant, from the date of its transfer or exercise, whichever occurs first, or

(iii) in the case of a subordinated note, from the date of cancellation of the note.

Open to examination

130.—(1) The records mentioned in sections 126, 127 and 129 shall, during normal business hours of a corporation, be open to examination by any director.

Records of account at branch

(2) A registered corporation may keep at any place where it carries on business such parts of the accounting records as relate to the operations, business and assets and liabilities of the corporation carried on, supervised or accounted for at such place, but there shall be kept at the principal place of business of the corporation or such other place as is authorized under this Part such records as will enable the directors to ascertain the financial position of the corporation.

Copies

131. A shareholder of a provincial corporation is entitled upon request and without charge to one copy of the instrument of incorporation and the by-laws and the amendments thereto.

List of shareholders

132.—(1) Upon payment of a reasonable fee and upon sending to a provincial corporation or its transfer agent the statutory declaration described in subsection (6), any person may require the corporation or its transfer agent to furnish within ten days of receipt by the corporation of the statutory declaration a basic list setting out the names of the shareholders of the corporation, the number of shares of each class and series owned by each shareholder and the address of each shareholder, all as shown on the records of the corporation.

Inscription au registre des transferts

(2) Les détails de chaque transfert de valeurs mobilières qui figurent aux registres locaux sont inscrits au registre des transferts.

Documents non exigés

(3) La compagnie provinciale ou la personne nommée en vertu de l'article 128 n'est pas tenue de produire :

a) le certificat d'une valeur mobilière ou le bon de souscription non nominatifs;

b) le certificat d'une valeur mobilière ou le bon de souscription nominatifs, six ans après :

(i) la date de son annulation, dans le cas d'un certificat d'action,

(ii) la date du transfert ou celle de l'exercice du droit qu'il représente, selon la première de ces dates, dans le cas d'un bon de souscription,

(iii) la date de son annulation, dans le cas du titre subalterne.

Dossiers accessibles pour consultation

130 (1) Les dossiers visés aux articles 126, 127 et 129 sont accessibles aux administrateurs pour consultation durant les heures de bureau de la compagnie.

Dossiers comptables aux diverses succursales

(2) La compagnie inscrite peut conserver à tout endroit où elle exerce ses activités, la partie des dossiers comptables qui a trait aux opérations et aux activités commerciales qui se déroulent ou qui sont supervisées à cet endroit, ou qui a trait à l'actif et au passif comptabilisés à cet endroit. Les dossiers qui permettent aux administrateurs de vérifier la situation financière de la compagnie sont cependant conservés à son établissement principal ou à l'autre endroit autorisé aux termes de la présente partie.

Exemplaire

131 L'actionnaire qui en fait la demande a droit à un exemplaire gratuit de l'acte constitutif, du règlement intérieur, et de leurs modifications.

Liste des actionnaires

132 (1) Toute personne peut, moyennant le paiement de droits raisonnables et l'envoi à la compagnie provinciale ou à son agent des transferts de la déclaration solennelle visée au paragraphe (6), exiger que ceux-ci, dans les dix jours de la réception de la déclaration solennelle, remettent une liste principale qui énonce les noms, le nombre d'actions de chaque catégorie et série de même que l'adresse de chaque actionnaire tels qu'ils figurent aux dossiers de la compagnie.

Idem

(2) The list referred to in subsection (1) when furnished shall be as current as is practicable having regard to the form in which the securities register of the corporation is maintained and shall be made up to a date not more than ten days before the date on which it is actually furnished.

Supplemental lists

(3) A person requiring a corporation to supply a list under subsection (1) may, if the person states in the statutory declaration described in subsection (6) that the person requires supplemental lists, require the corporation or its agent upon payment of a reasonable fee to furnish supplemental lists setting out any changes from the basic list in the names or addresses of the shareholders and the number of shares owned by each shareholder for each business day following the date to which the basic list is made up.

Idem

(4) The corporation or its agent shall furnish a supplemental list required under subsection (3),

(a) on the date the basic list is furnished, where the information relates to changes that took place prior to that date; and

(b) on the business day following the day to which the supplemental list relates, where the information relates to changes that take place on or after the date the basic list is furnished.

Idem

(5) A person requiring a corporation to supply a basic or supplemental list under this section may also require the corporation to include in the list the name and address of any known holder of an option or right to acquire shares of the corporation.

Statutory declaration

(6) The statutory declaration referred to in subsection (1) shall state,

(a) the name and address including street and number, if any, of the applicant and whether the applicant is a shareholder, holder of a subordinated note or any other person referred to in subsection (1);

(b) if the applicant is a body corporate, its address for service; and

(c) that the basic list and any supplemental lists may be used only as permitted under subsection (8).

Idem

(2) La liste visée au paragraphe (1) est à jour dans la mesure du possible, eu égard au mode de tenue des registres des valeurs mobilières adopté par la compagnie. Cette mise à jour ne doit pas remonter à plus de dix jours de la remise de la liste.

Listes supplétives

(3) La personne qui affirme dans la déclaration solennelle visée au paragraphe (6) avoir besoin, outre la liste principale mentionnée au paragraphe (1), de listes supplétives, peut, moyennant le paiement d'un droit raisonnable, en exiger la remise par la compagnie ou son mandataire. Les listes supplétives énoncent, à l'égard de chaque jour ouvrable depuis la mise à jour de la liste principale, les modifications apportées aux noms et adresses des actionnaires et au nombre d'actions détenues par chacun d'eux.

Idem

(4) La compagnie ou son mandataire remet la liste supplétive exigée aux termes du paragraphe (3) :

a) en même temps que la liste principale, si les modifications sont antérieures à la date de la remise;

b) le jour ouvrable qui suit la date indiquée dans la liste supplétive, si les modifications se sont produites à la date de la remise de la liste principale ou à une date postérieure.

Liste des détenteurs d'options

(5) La personne qui exige que la compagnie remette une liste principale ou supplétive aux termes du présent article, peut également exiger que la compagnie fasse figurer sur cette liste les noms et adresses des détenteurs connus d'une option ou d'un droit d'acquérir des actions de la compagnie.

Déclaration solennelle

(6) La déclaration solennelle visée au paragraphe (1) énonce :

a) les nom et adresse, y compris la rue et le numéro, le cas échéant, de l'auteur de la demande de même que son titre d'actionnaire, de détenteur d'un titre subalterne ou autre titre visés au paragraphe (1);

b) si l'auteur de la demande est une personne morale, le domicile élu;

c) que la liste principale de même que les listes supplétives ne peuvent être utilisées qu'aux fins énoncées au paragraphe (8).

Idem

(7) If the applicant is a body corporate, the statutory declaration described in subsection (6) shall be made by a director or officer of the body corporate.

Use of information

(8) A list of shareholders obtained under this section shall not be used by any person except in connection with,

(a) an effort to influence the voting by shareholders of the corporation;

(b) an offer to acquire shares of the corporation; or

(c) any other matter relating to the affairs of the corporation.

Maximum fee

(9) The fee referred to in subsections (1) and (3) shall not exceed such amount as may be prescribed.

Trafficking in lists

133. No person shall offer for sale or sell or purchase or otherwise traffic in a list or a copy of a list of all or any of the holders of securities of a provincial corporation.

Returns

134. Every registered corporation at the times prescribed shall provide to the Superintendent such financial or other information as may be prescribed.

Annual return

135.—(1) Every registered corporation shall prepare annually for the information of the Superintendent an annual return, in the prescribed form, outlining the financial condition and affairs of the corporation for the fiscal year of the corporation, and the return shall be filed with the Superintendent within ninety days after the end of the period to which it relates.

Idem

(2) The return referred to in subsection (1) shall have attached to it the financial statements for the year to which the annual return relates.

Idem

(3) The return referred to in subsection (1) shall have attached to it a report of the auditor, which report shall be prepared in accordance with the regulations.

Idem

(4) The return referred to in subsection (1) shall be accompanied by a copy of a resolution of the directors showing that the return was approved by them.

Filing of financial statements

136. Every registered corporation shall file with the Superintendent a copy of every statement of a financial nature related to the corporation furnished to its shareholders or the

Idem (7) Si l'auteur de la demande est une personne morale, l'un de ses administrateurs ou dirigeants fait la déclaration solennelle visée au paragraphe (6).

Utilisation de la liste (8) La liste des actionnaires obtenue en vertu du présent article ne doit pas être utilisée que dans le cadre :

a) de tentatives en vue d'influencer le vote des actionnaires de la compagnie;

b) de l'offre d'acquérir des actions de la compagnie;

c) de toute autre question concernant les affaires de la compagnie.

Droit maximal (9) Le droit visé aux paragraphes (1) et (3) ne doit pas être supérieur au montant prescrit.

Trafic des listes **133** Nul ne doit trafiquer, notamment en les offrant en vente, en les vendant ou en les achetant, des listes ou copies de listes des détenteurs de valeurs mobilières de la compagnie provinciale.

Rapports **134** La compagnie inscrite fournit au surintendant, dans le délai imparti, les renseignements prescrits d'ordre financier ou autre.

Rapport annuel **135** (1) La compagnie inscrite dresse chaque année à l'intention du surintendant un rapport, selon la formule prescrite, qui énonce la situation et les affaires financières de la compagnie pour son exercice. Ce rapport est déposé auprès du surintendant dans les quatre-vingt-dix jours qui suivent la fin de la période visée.

Idem (2) Le rapport visé au paragraphe (1) est accompagné des états financiers de l'exercice visé par le rapport annuel.

Idem (3) Le rapport visé au paragraphe (1) est accompagné du rapport du vérificateur, préparé conformément aux règlements.

Idem (4) Le rapport visé au paragraphe (1) est accompagné aussi d'une copie de la résolution qui confirme son approbation par les administrateurs.

Dépôt des états financiers **136** La compagnie inscrite dépose auprès du surintendant une copie de chaque état d'ordre financier concernant la compagnie et destiné aux actionnaires ou déposé auprès de la Commission des valeurs mobilières de l'Ontario ou de l'admi-

Ontario Securities Commission or any similar authority in another jurisdiction within five days after the distribution of the statement to the shareholders or its filing with the Commission or similar authority.

Filing of corporate changes

137. Every registered corporation shall file with the Superintendent,

(a) copies of all applications and supporting documents of any nature made under such laws, as may be prescribed, of Canada or of any province or territory of Canada for any change in its instrument of incorporation or registration status and shall also file with the Superintendent a copy of any approval or refusal of such application within seven days of filing or receipt, as the case may be; and

(b) copies of any changes made in its instrument of incorporation, registration or licence under the laws of Canada or of any province or territory of Canada.

Provision of information

138.—(1) Every registered corporation shall provide to The Trust Companies Association of Canada Inc. such financial and statistical information as may be prescribed.

Publication

(2) Where The Trust Companies Association of Canada Inc. receives information under subsection (1), it shall report to the public such financial and statistical information as may be prescribed at such periods as may be prescribed.

Public file

139.—(1) The Superintendent shall maintain a file on each registered corporation which shall contain such information as may be prescribed.

Idem

(2) Upon payment of the prescribed fee, any person, during usual office hours, may examine the registers referred to in section 30 and the file referred to in subsection (1) and may take extracts therefrom or obtain copies thereof.

PART IX

CONFLICT OF INTEREST

Power to designate person as restricted party

140.—(1) For the purposes of this Part, the Superintendent may designate,

(a) any person to be a restricted party of a registered corporation if the Superintendent is of the opinion that,

nistration semblable d'une autre compétence législative, dans les cinq jours de sa distribution aux actionnaires ou de son dépôt auprès de la Commission ou de l'administration semblable.

Dépôt des modifications aux statuts constitutifs

137 La compagnie inscrite dépose auprès du surintendant :

a) une copie des demandes de modification à son acte constitutif ou à son statut d'inscription de même que des pièces justificatives de toute nature qui s'y rattachent, présentées en vertu des lois du Canada, d'une province ou d'un territoire du Canada qui sont prescrites. Elle dépose aussi, dans les sept jours du dépôt ou de la réception, selon le cas, une copie de l'approbation ou du rejet des demandes;

b) une copie de chaque modification apportée soit à son acte constitutif, soit à son inscription ou à son permis, en vertu des lois du Canada, d'une province ou d'un territoire du Canada.

Communication de renseignements

138 (1) La compagnie inscrite communique à L'Association des compagnies de fiducie du Canada Inc. les renseignements prescrits d'ordre financier et statistique.

Publicité

(2) Si cette association reçoit des renseignements aux termes du paragraphe (1), elle rend publics, aux intervalles prescrits, les renseignements prescrits d'ordre financier et statistique.

Dossiers publics

139 (1) Le surintendant tient, relativement à chaque compagnie inscrite, un dossier qui renferme les renseignements prescrits.

Idem

(2) Une personne peut, moyennant le paiement des droits prescrits, consulter durant les heures de bureau les registres visés à l'article 30 et le dossier visé au paragraphe (1) et en tirer des extraits ou en obtenir des copies.

PARTIE IX

CONFLITS D'INTÉRÊTS

Désignation d'une personne assujettie à des restrictions

140 (1) Pour l'application de la présente partie, le surintendant peut, à l'égard d'une compagnie inscrite, désigner en tant que personne assujettie à des restrictions :

a) une personne, s'il est d'avis :

(i) the person is acting in concert with a restricted party of the corporation to participate in or enter into an investment or other transaction with the corporation that would be prohibited or restricted if entered into with the corporation by the restricted party, or

(ii) there exists between the person and the corporation such an interest or relationship as might reasonably be expected to affect the exercise of the best judgment of the corporation with respect to an investment or other transaction; or

(b) any shareholder of a registered corporation or of an affiliate of a registered corporation to be a restricted party of the corporation if the Superintendent is of the opinion that the shareholder is acting in concert with one or more other shareholders of the corporation or of an affiliate to control directly or indirectly 10 per cent or more of any class of shares of the registered corporation.

Revocation of designation

(2) On the application of the restricted party or the registered corporation, the Superintendent may revoke a designation made under subsection (1).

Hearing

(3) Before making a designation or refusing to revoke a designation made under subsection (1), the Superintendent shall give the person whom he or she proposes to designate or has designated and the registered corporation an opportunity to be heard.

Prohibitions, restricted parties

141.—(1) Except as provided in this Part,

(a) no registered corporation or subsidiary of a registered corporation shall directly or indirectly purchase from or lend to a restricted party of the corporation or enter any other transaction with a restricted party of the corporation; and

(b) no restricted party of a registered corporation shall directly or indirectly purchase from or lend to the corporation or any subsidiary of the corporation or enter any other transaction with the corporation or any subsidiary of the corporation.

Idem, directors

(2) Except as provided in clause 142 (1) (a), no registered corporation or subsidiary of a registered corporation shall

(i) que celle-ci, de concert avec une personne assujettie à des restrictions à l'égard de la compagnie, participe ou souscrit à des placements ou autres opérations avec la compagnie qui seraient interdits ou restreints s'ils étaient conclus avec la compagnie par cette deuxième personne,

(ii) qu'il existe entre la personne et la compagnie un intérêt ou des rapports vraisemblablement susceptibles d'empêcher celle-ci d'évaluer de façon objective le bien-fondé d'un placement ou d'une autre opération;

b) l'actionnaire de la compagnie inscrite ou du membre du même groupe, si le surintendant est d'avis que cet actionnaire, de concert avec un ou plusieurs autres actionnaires de la compagnie ou d'un membre du même groupe, cherche à exercer directement ou indirectement le contrôle sur 10 pour cent ou plus d'une catégorie d'actions de la compagnie.

Révocation de la désignation

(2) À la demande de la personne assujettie à des restrictions ou de la compagnie inscrite, le surintendant peut révoquer une désignation faite en vertu du paragraphe (1).

Audience

(3) Avant de faire une désignation ou de refuser de révoquer une désignation faite en vertu du paragraphe (1), le surintendant donne à la personne qu'il se propose de désigner ou qu'il a déjà désignée, ainsi qu'à la compagnie inscrite, la possibilité de se faire entendre.

Interdictions

141 (1) Sauf disposition contraire de la présente partie :

a) nulle compagnie inscrite ou sa filiale ne doit, directement ou indirectement, effectuer d'achats auprès de la personne assujettie à des restrictions à son égard, lui consentir un prêt ou conclure avec elle une autre opération;

b) nulle personne assujettie à des restrictions à l'égard de la compagnie inscrite ne doit, directement ou indirectement, effectuer d'achats auprès de la compagnie ou de sa filiale, lui consentir un prêt ou conclure avec elle une autre opération.

Idem, administrateurs

(2) Sous réserve de l'alinéa 142 (1) a), nulle compagnie inscrite ou sa filiale ne doit sciemment effectuer de placements

knowingly invest by way of purchase of or loans on the security of real estate that at any time in the period of thirty-six months preceding the date of the advance of any funds by the corporation or its subsidiary was owned by a director or the spouse or child of the director or any relative of the director or spouse who has the same home as the director.

Exception

(3) This Part does not apply so as to prevent the payment of directors' fees of the registered corporation or of a subsidiary of the registered corporation if the fees have been approved by the shareholders of the registered corporation.

Permitted transactions, board approval

142.—(1) Subject to the prior approval of the board of directors of the registered corporation, a registered corporation or a subsidiary of a registered corporation may,

(a) make a loan to any director, officer or employee of the corporation, the spouse or any child of a director or officer of the corporation or any relative of a director or officer of the corporation or of the spouse of a director or officer of the corporation on the security of the residence of the person to whom the loan is made if,

(i) the loan qualifies as an investment under clause 162 (1) (a),

(ii) the amount of the loan does not exceed 0.5 per cent of the capital base of the corporation, and

(iii) in the case of a director who is not an employee or officer of the corporation or his or her spouse or child, the terms of the loan are no more favourable than those offered by the corporation in the ordinary course of business;

(b) make a personal loan to any officer or employee of the corporation, the spouse or any child of an officer of the corporation or any relative of an officer of the corporation or of the spouse of an officer of the corporation, if the loan qualifies as an investment under clause 162 (2) (b);

(c) enter into written contracts with any restricted party for the provision of management services to or by the corporation or subsidiary if it is reasonable that the corporation or the subsidiary obtain or supply the services, and so long as,

au moyen d'achats des biens immeubles qui, au cours de la période de trente-six mois qui a précédé toute avance faite par la compagnie ou sa filiale, étaient la propriété de l'administrateur, de son conjoint, de l'un de ses enfants, ou d'un parent de l'administrateur ou de son conjoint qui habitent avec l'administrateur, ni au moyen de prêts garantis par des sûretés sur de tels biens.

Exception

(3) La présente partie n'a pas pour effet d'empêcher l'attribution aux administrateurs de la compagnie inscrite ou de sa filiale des jetons de présence approuvés par les actionnaires de la compagnie inscrite.

Opérations permises, approbation du conseil d'administration

142 (1) Sous réserve de l'approbation préalable du conseil d'administration de la compagnie inscrite, celle-ci ou sa filiale peut :

a) consentir un prêt, garanti par une sûreté sur l'immeuble qu'habite l'emprunteur, à l'administrateur, au dirigeant ou à l'employé de la compagnie, au conjoint ou à l'enfant de l'administrateur ou du dirigeant de la compagnie, ou au parent de l'administrateur ou du dirigeant de la compagnie, ou du conjoint de ces derniers, pourvu que les conditions suivantes soient remplies :

(i) le prêt est un placement admissible aux termes de l'alinéa 162 (1) a),

(ii) le montant du prêt ne dépasse pas 0,5 pour cent de l'apport en capital de la compagnie,

(iii) les conditions de prêt offertes par celle-ci à l'administrateur qui n'est ni son employé ou son dirigeant, ni le conjoint ou l'enfant de ces derniers, ne sont pas moins onéreuses que les conditions qu'elle pose dans le cours normal de ses affaires;

b) consentir un prêt personnel au dirigeant ou à l'employé de la compagnie, au conjoint ou à l'enfant d'un dirigeant, ou au parent d'un dirigeant ou du conjoint de ce dernier, pourvu que le prêt soit un placement admissible aux termes de l'alinéa 162 (2) b);

c) conclure avec une personne assujettie à des restrictions un contrat par écrit ayant pour objet la prestation de services de gestion par la compagnie ou sa filiale ou pour leur compte, s'il est raisonnable que la compagnie ou sa filiale fournisse ou obtienne ces services, à condition que :

(i) the consideration is at or exceeds competitive and fair rates where the services are provided by the corporation or the subsidiary and is otherwise reasonable for the services provided, and

(ii) the consideration does not exceed competitive and fair rates where the services are provided to the corporation or the subsidiary and is otherwise not unreasonable for the services provided;

(d) enter into a written lease of real estate or personal property with any restricted party for the use of the corporation or the subsidiary in carrying out its business, so long as,

(i) the rent does not exceed fair rental value,

(ii) the term of the lease and all renewals does not exceed ten years, and

(iii) the terms of the lease are otherwise competitive and not unreasonable;

(e) enter into written contracts with any restricted party for pension and benefit plans and other reasonable commitments incidental to the employment of officers and employees of the corporation or the subsidiary;

(f) enter into employment contracts with officers or future officers of the corporation or the subsidiary;

(g) enter into written contracts with any restricted party for the purchase of goods or services, other than management services, used or required by the corporation or the subsidiary in carrying on its business, so long as the price paid for such goods or services is competitive and at market value or fair rates, supported by appropriate documentation of such value or rates; and

(h) enter into such investments or other transactions as may be prescribed.

(i) d'une part, la contrepartie reçue en retour des services dispensés par la compagnie ou sa filiale soit égale ou supérieure aux tarifs normaux et concurrentiels et s'avère raisonnable compte tenu des services offerts,

(ii) d'autre part, la contrepartie versée en retour des services dispensés à la compagnie ou à sa filiale ne soit pas supérieure aux tarifs normaux et concurrentiels et ne s'avère pas excessive, compte tenu des services offerts;

d) conclure par écrit avec une personne assujettie à des restrictions des baux mobiliers ou immobiliers portant sur des biens destinés à servir à la compagnie ou à sa filiale aux fins de leurs activités commerciales, pourvu que les conditions suivantes soient réunies :

(i) le montant du loyer ne dépasse pas la valeur locative normale,

(ii) la durée du bail et de ses reconductions ne dépasse pas dix ans,

(iii) les conditions du bail sont concurrentielles et relativement raisonnables;

e) conclure par écrit avec une personne assujettie à des restrictions des contrats écrits relatifs à des régimes de retraite et d'avantages sociaux et aux autres engagements normaux reliés à l'acquisition des services de ses dirigeants et employés ainsi que de ceux de sa filiale;

f) conclure avec ses dirigeants actuels ou futurs ou ceux de sa filiale des contrats d'acquisition de leurs services;

g) conclure avec une personne assujettie à des restrictions des contrats écrits d'acquisition de biens ou de services nécessaires à la compagnie ou à sa filiale dans le cadre de l'exercice de ses activités commerciales, à l'exclusion de services de gestion. Le prix versé en contrepartie doit toutefois être concurrentiel et représenter le prix du marché ou la juste valeur, chiffres à l'appui;

h) souscrire à des placements et autres opérations qui sont prescrits.

Loans to employees, board approval not required

(2) Notwithstanding clause (1) (a) or (b), if permitted by the regulations, a registered corporation may make a loan to an employee of the corporation who is not a director or officer of the corporation or to his or her spouse or child without obtaining the approval of the board of directors if the amount of the loan does not exceed such amount as may be prescribed and there is compliance with subclauses (1) (a) (i) and (ii) or clause (1) (b), as the case may be.

Other permitted transactions, board approval not required

(3) A registered corporation or a subsidiary of a registered corporation, without the approval of the board of directors of the registered corporation, may enter into,

(a) employment contracts with persons who are not directors or officers of the corporation or the subsidiary;

(b) transactions with a restricted party which involve nominal or immaterial expenditures by the corporation or the subsidiary;

(c) transactions with a restricted party for the sale of goods or the provision of services normally provided to the public by the corporation or the subsidiary in the ordinary course of business so long as the prices and rates charged by the corporation or subsidiary are competitive and at fair rates; and

(d) such investments or other transactions as may be prescribed.

Approvals committee

(4) The board of directors of a registered corporation may delegate its power to approve transactions as required by this section to an approvals committee consisting of not fewer than five to be appointed from among their number, a majority of whom shall be outside directors.

Idem

(5) An approvals committee shall not approve a transaction unless at least five members, a majority of whom are outside directors, are present and voting.

Onus of proof

143. The onus is upon the restricted party and the registered corporation or its subsidiary to demonstrate,

(a) for the purpose of subclause 142 (1) (a) (iii), that the terms of the loan are no more favourable than those offered by the corporation in the ordinary course of business;

Prêts aux employés sans l'approbation du conseil d'administration

(2) Malgré les alinéas (1) a) ou b), si les règlements le permettent, la compagnie inscrite peut consentir un prêt à son employé qui n'est ni son administrateur, ni son dirigeant, ou au conjoint ou à l'enfant de cet employé, sans l'approbation du conseil d'administration, pourvu que le montant du prêt ne dépasse pas le montant prescrit et que les sous-alinéas (1) a) (i) et (ii) ou l'alinéa (1) b), selon le cas, soient respectés.

Autres opérations permises sans l'approbation du conseil d'administration

(3) La compagnie inscrite ou sa filiale peuvent, sans l'approbation du conseil d'administration de la compagnie inscrite, être partie :

a) à des contrats d'embauchage passés avec des personnes qui ne sont ni ses administrateurs, ni ses dirigeants ou ceux de sa filiale;

b) avec une personne assujettie à des restrictions, à des opérations qui n'occasionnent à la compagnie ou à sa filiale que des frais minimes ou symboliques;

c) avec une personne assujettie à des restrictions, à des opérations relatives à la vente de biens ou à la prestation de services normalement offerts au public par la compagnie ou sa filiale dans le cours normal de leurs affaires, pourvu que les prix et tarifs qu'elle exige en retour soient justes et concurrentiels;

d) à des placements et autres opérations qui sont prescrits.

Comité d'approbation

(4) Le conseil d'administration de la compagnie inscrite peut déléguer, à un comité d'approbation qui se compose d'au moins cinq administrateurs, son pouvoir d'approuver des opérations comme l'exige le présent article. La majorité des membres du comité est formée d'administrateurs externes.

Idem

(5) Le comité d'approbation ne doit pas approuver une opération à moins que cinq membres, dont la majorité est formée d'administrateurs externes, ne soient présents et ne votent.

Fardeau de la preuve

143 Le fardeau de démontrer les faits suivants revient à la personne assujettie à des restrictions, ainsi qu'à la compagnie inscrite ou à sa filiale :

a) pour l'application du sous-alinéa 142 (1) a) (iii), que les conditions de prêt ne sont pas moins onéreuses que les conditions que pose la compagnie dans le cours normal de ses affaires;

(b) for the purpose of clause 142 (1) (c), that it is reasonable that the services be obtained or supplied;

(c) for the purpose of subclause 142 (1) (c) (i), that the consideration is at or exceeds competitive and fair rates;

(d) for the purpose of subclause 142 (1) (c) (ii), that the consideration does not exceed competitive and fair rates;

(e) for the purpose of clause 142 (1) (d), that the rent does not exceed fair rental value and the terms of the lease are otherwise competitive and not unreasonable;

(f) for the purpose of clause 142 (1) (g), that the price paid is competitive and at market value or fair rates;

(g) for the purpose of clause 142 (3) (b), that expenditures are nominal or immaterial; and

(h) for the purpose of clause 142 (3) (c), that services are normally provided to the public in the ordinary course of business and that the prices and rates are competitive and at fair rates.

Trusts and estates

144.—(1) A registered trust corporation shall not participate in, or enter into, any investment or other transaction with its subsidiaries or restricted parties using funds, except deposits, held by the corporation as a fiduciary.

Idem

(2) Except as provided in this section, a registered trust corporation shall not invest funds held by the registered corporation as a fiduciary in securities of the corporation or its subsidiaries or restricted parties.

Exception

(3) A registered trust corporation may act as a fiduciary of one or more trusts or estates that owns securities of the corporation or its subsidiaries or restricted parties if the securities were acquired before the corporation assumed responsibility as a fiduciary.

b) pour l'application de l'alinéa 142 (1) c), qu'il est raisonnable d'obtenir ou de fournir les services;

c) pour l'application du sous-alinéa 142 (1) c) (i), que la contrepartie est égale ou supérieure aux tarifs normaux et concurrentiels;

d) pour l'application du sous-alinéa 142 (1) c) (ii), que la contrepartie n'est pas supérieure aux tarifs normaux et concurrentiels;

e) pour l'application de l'alinéa 142 (1) d), que le montant du loyer ne dépasse pas la valeur locative normale et que les conditions du bail sont concurrentielles et relativement raisonnables;

f) pour l'application de l'alinéa 142 (1) g), que le prix est concurrentiel et représente le prix du marché ou la juste valeur;

g) pour l'application de l'alinéa 142 (3) b), que des frais sont minimes ou symboliques;

h) pour l'application de l'alinéa 142 (3) c), que des services sont normalement offerts au public dans le cours normal des affaires et que les prix et tarifs sont justes et concurrentiels.

Fiducies et successions

144 (1) La compagnie de fiducie inscrite ne doit souscrire ni participer à aucun placement ou autre opération, avec sa filiale ou avec une personne assujettie à des restrictions à son égard, en utilisant les fonds qu'elle détient à titre de fiduciaire, sauf ceux détenus à titre de dépôts.

Idem

(2) Sauf disposition contraire du présent article, la compagnie de fiducie inscrite ne doit pas investir dans ses propres valeurs mobilières ou dans celles de ses filiales ou de personnes assujetties à des restrictions à son égard les fonds qu'elle détient à titre de fiduciaire.

Exception

(3) La compagnie de fiducie inscrite peut représenter plusieurs fiducies ou successions qui sont titulaires de valeurs mobilières de la compagnie, de ses filiales ou de personnes assujetties à des restrictions à son égard, si l'acquisition de ces valeurs mobilières a eu lieu avant que la compagnie n'ait assumé son rôle de fiduciaire.

Approval of board

(4) Where a registered trust corporation acts as a fiduciary of one or more trusts or estates holding securities of the corporation, the securities shall not be sold or voted or an offer for the securities refused except with the approval of the board of directors and the reasons for such actions shall be entered in the minutes of the board of directors.

Annual report

(5) Each year, the board of directors shall approve a report on the securities of the registered corporation and its subsidiaries and restricted parties held by the corporation as fiduciary and the reasons for their retention or sale.

Limitation

(6) Nothing in this section authorizes a registered trust corporation to perform any act as a fiduciary which is otherwise prohibited.

Saving

(7) Nothing in this section prevents a registered trust corporation from,

(a) fulfilling a specific direction or permission of a court or of an instrument creating a fiduciary duty that the corporation should or may purchase or sell securities of the corporation or its subsidiaries or restricted parties or participate in, or enter into, any investment or other transaction with its subsidiaries or restricted parties but a general power to invest in the discretion of the fiduciary shall not be considered to be a specific direction or permission for the purposes of this clause;

(b) investing funds held by it as a fiduciary in the securities of its restricted parties for which there is a published market, as defined in section 88 of the *Securities Act*;

R.S.O. 1980, c. 466

(c) participating in or entering into an investment that a co-fiduciary or the co-fiduciaries of the corporation can direct to be made without the agreement of the corporation and that the co-fiduciary or co-fiduciaries have directed to be made.

Exemption

145.—(1) Upon the application of a registered corporation filed with the Superintendent, the Lieutenant Governor in Council may consent to the registered corporation making or entering into any investment or other transaction set out in this Part, with a restricted party if, in the opinion of the Lieutenant Governor in Council, the consent is necessary to the

Approbation du conseil d'administration

(4) Si la compagnie de fiducie inscrite agit à titre de fiduciaire d'une ou de plusieurs fiducies ou successions qui détiennent des valeurs mobilières de la compagnie, les valeurs mobilières ne doivent pas être aliénées, sauf avec l'approbation du conseil d'administration. De même, il ne doit pas être refusé d'offre à leur sujet ni exercé le droit de vote qui s'y rattache, sauf avec cette approbation. Les motifs de ces mesures sont consignés aux procès-verbaux des réunions du conseil d'administration.

Rapport annuel

(5) Chaque année, le conseil d'administration donne son approbation à un rapport relatif aux valeurs mobilières de la compagnie inscrite, de ses filiales et de personnes assujetties à des restrictions à son égard, détenues en fiducie par la compagnie, ainsi qu'aux motifs qui l'ont déterminé à les conserver ou à les aliéner.

Restriction

(6) Le présent article n'a pas pour effet de permettre à la compagnie de fiducie inscrite d'accomplir, à titre de représentant fiduciaire, un acte autrement prohibé.

Réserve

(7) Le présent article n'a pas pour objet d'empêcher une compagnie de fiducie inscrite :

a) de se conformer à une directive ou à une autorisation précise d'un tribunal ou d'un acte créant une obligation fiduciaire en vertu de laquelle celle-ci devrait ou pourrait acquérir ou aliéner ses valeurs mobilières ou celles de ses filiales ou de personnes assujetties à des restrictions à son égard, ou participer ou souscrire à un placement ou autre opération avec ses filiales ou avec des personnes assujetties à des restrictions à son égard; toutefois, le mandat général de placement confié au représentant fiduciaire ne s'interprète pas comme étant une directive ou une autorisation précise pour l'application du présent alinéa;

b) d'investir les fonds qu'elle détient à titre de fiduciaire dans les valeurs mobilières de personnes assujetties à des restrictions à son égard, s'il existe pour ces valeurs un marché officiel au sens de l'article 88 de la *Loi sur les valeurs mobilières*; L.R.O. 1980, chap. 466

c) de participer ou de souscrire à un placement qu'un ou plusieurs cofiduciaires de la compagnie peuvent ordonner de faire sans l'accord de la compagnie et que ce ou ces cofiduciaires ont ordonné de faire.

Dispense

145 (1) À la demande de la compagnie inscrite déposée auprès du surintendant, le lieutenant-gouverneur en conseil peut consentir à ce qu'elle effectue un placement ou une autre

well-being of the registered corporation and the consent may be subject to such terms and conditions as are set out in the consent.

Idem

(2) Subsection (1) does not apply so as to permit the giving of consent for an investment or other transaction that is prohibited by section 144.

Disclosure of interest

146.—(1) A restricted party who is a party to an investment or other transaction with a registered corporation or a subsidiary of a registered corporation or to a proposed investment or other transaction with the corporation or the subsidiary for which the approval of the board of directors of the corporation is required, whether under this Act or otherwise, shall disclose in writing to the corporation the nature of the restricted party's interest.

Disclosure of cross-directorship

(2) A director or officer of a registered corporation, with respect to an investment or other transaction with the corporation or a subsidiary of the corporation or with respect to a proposed investment or other transaction with the corporation or the subsidiary, shall disclose the nature of the interest if,

(a) he or she is a director or an officer of a body corporate that is a party to any investment or other transaction of the corporation or the subsidiary or a proposed investment or other transaction of the corporation or subsidiary; or

(b) he or she holds 10 per cent or more of the shares of a body corporate described in clause (a).

Disclosure by director

(3) The disclosure required by subsection (1) or (2) shall be entered in the minutes of the board of directors and shall be made, in the case of a director,

(a) at the meeting at which a proposed investment or other transaction is first considered;

(b) if the director was not then interested in a proposed investment or other transaction, at the first meeting after becoming interested;

(c) if the director becomes interested after an investment or other transaction is entered into, at the first meeting after becoming interested; or

(d) if a person who is interested in an investment or other transaction later becomes a director, at the first meeting after becoming a director.

opération avec une personne assujettie à des restrictions visés à la présente partie, si de son avis ce consentement est nécessaire à la bonne marche de la compagnie inscrite. Le consentement peut être assorti de conditions qui y sont énoncées.

Idem

(2) Le paragraphe (1) n'a pas pour effet de permettre qu'il soit consenti à un placement ou à une autre opération qui sont prohibés par l'article 144.

Divulgation d'intérêt

146 (1) Doit divulguer par écrit à la compagnie la nature de son intérêt, la personne assujettie à des restrictions partie à un placement ou à une autre opération avec la compagnie inscrite ou sa filiale, ou à un projet de placement ou d'autre opération avec ces dernières qui exigent l'approbation préalable du conseil d'administration, soit aux termes de la présente loi, soit autrement.

Administrateur de plusieurs compagnies

(2) L'administrateur ou le dirigeant d'une compagnie inscrite divulgue la nature de son intérêt à l'égard d'un placement ou d'une autre opération avec la compagnie ou sa filiale ou d'un projet de placement ou d'autre opération avec ces dernières, dans les cas suivants :

a) lorsqu'il est administrateur ou dirigeant d'une personne morale partie au placement ou à l'autre opération ou au projet de placement ou d'autre opération;

b) lorsqu'il détient 10 pour cent ou plus des actions de la personne morale visée à l'alinéa a).

Divulgation par l'administrateur

(3) La divulgation exigée par les paragraphes (1) ou (2) est consignée au procès-verbal des réunions du conseil d'administration. Elle se fait, dans le cas d'un administrateur, lors de la première réunion :

a) au cours de laquelle le projet de placement ou d'autre opération est étudiée;

b) qui suit l'acquisition par l'administrateur d'un intérêt, inexistant jusqu'alors, dans le projet de placement ou d'autre opération;

c) qui suit l'acquisition par celui-ci d'un intérêt dans un placement ou une autre opération déjà en cours;

d) qui suit sa nomination au poste d'administrateur alors que celui-ci possède déjà un intérêt dans un placement ou une autre opération.

Disclosure by others

(4) The disclosure required by subsection (1) or (2) shall be made, in the case of a restricted party who is not a director,

(a) forthwith after becoming aware that the investment or other transaction or proposed investment or other transaction is to be considered or has been considered at a meeting of directors;

(b) if the restricted party becomes interested after an investment or other transaction is entered into, forthwith after becoming interested; or

(c) if a person who is interested in an investment or other transaction later becomes a restricted party, forthwith after becoming a restricted party.

Director not to vote

(5) A director required by subsection (1) or (2) to make a disclosure shall not take part in the discussion or vote on any resolution to approve an investment or transaction in relation to which disclosure is required under subsection (1) or (2) and the director shall not be present at any meeting of the board while it is dealing with the matter.

Director not to use influence

(6) A director referred to in subsection (5) shall not attempt in any way to influence the voting on any resolution to approve an investment or other transaction.

Procedures

147.—(1) Every registered corporation shall establish and its board of directors shall approve written review and approval procedures to be followed by the corporation to ensure compliance with this Part, and the board of directors shall review the procedures so established at least once each year.

Idem

(2) The procedures referred to in subsection (1) shall be developed by the investment committee of the board of directors and shall be reviewed at least twice each year by the investment committee.

Voidable contract

148. Where a restricted party, a registered corporation or any subsidiary of a registered corporation fails to comply with this Part, and where an investment or other transaction which is prohibited by this Part takes place, the corporation or the Superintendent may apply to the High Court of Justice for an order setting aside the investment or other transaction and directing that the restricted party account to the registered corporation for any profit or gain realized and upon such application the court may so order or make such other order as it thinks fit, including an order for compensation for the

Divulgation par d'autres

(4) La personne assujettie à des restrictions qui n'est pas administrateur fait sans délai la divulgation exigée par les paragraphes (1) ou (2) :

a) quand elle apprend que le placement ou l'autre opération ou le projet de placement ou d'autre opération a été ou sera examiné lors d'une réunion des administrateurs;

b) quand elle acquiert un intérêt dans un placement ou une autre opération déjà en cours;

c) quand elle devient une personne assujettie à des restrictions lorsqu'elle possède déjà un intérêt dans un placement ou une autre opération.

L'administrateur ne vote pas

(5) L'administrateur tenu à la divulgation aux termes des paragraphes (1) ou (2) ne doit pas participer aux discussions ou au vote sur la résolution présentée pour faire approuver le placement ou l'opération qui en font l'objet. Il ne doit pas non plus assister à la réunion du conseil d'administration pendant qu'il est traité de la question.

L'administrateur ne peut user d'influence

(6) L'administrateur visé au paragraphe (5) ne doit d'aucune façon tenter d'influencer le vote sur la résolution présentée pour faire approuver un placement ou une autre opération.

Procédure

147 (1) Afin de se conformer à la présente partie, la compagnie inscrite établit et observe une procédure écrite d'examen et d'approbation, que son conseil d'administration approuve. Le conseil d'administration réexamine cette procédure au moins une fois l'an.

Idem

(2) Le comité de placements du conseil d'administration élabore la procédure visée au paragraphe (1) et la réexamine au moins deux fois l'an.

Contrat susceptible d'annulation

148 La compagnie ou le surintendant peut, par voie de requête, demander à la Haute Cour de justice de rendre une ordonnance annulant le placement ou l'autre opération effectués, contrairement à la présente partie, par la personne assujettie à des restrictions, la compagnie inscrite ou sa filiale, et enjoignant à la personne assujettie à des restrictions de rendre compte à la compagnie inscrite de tout bénéfice qu'elle en a tiré. Le tribunal peut rendre cette ordonnance ou toute autre ordonnance qu'il juge pertinente, notamment une ordonnance portant sur le versement d'une indemnité pour la perte et les dommages subis par la compagnie, ainsi que le versement de

loss or damage suffered by the corporation and punitive or exemplary damages from the restricted party.

Derivative action

149.—(1) Where an investment or other transaction that is prohibited under this Part takes place, a registered corporation or the Superintendent may apply to the High Court of Justice for an order that each person who participated in or facilitated such investment or other transaction made in contravention of this Part pay to the corporation on a joint and several basis,

(a) the damages suffered;

(b) the face value of the investment; or

(c) the amount expended by the corporation in the transaction.

Saving

(2) Subsection (1) does not apply to a person who is not a director, unless the person knew or ought reasonably to have known that the investment or other transaction was made in contravention of this Part.

Reporting by auditor

150. An auditor shall promptly report to the board of directors and the Superintendent any breach of any provision of this Part of which he or she is aware or of which he or she is made aware under section 151 and, if the board of directors does not act to rectify the breach within a reasonable period of time, the auditor shall promptly report the failure to rectify to the Superintendent.

Reporting by others

151.—(1) Any person undertaking professional services for a registered corporation who, in providing the professional services, becomes aware of a breach of the provisions of this Part shall promptly report the breach to the board of directors and the auditor of the corporation unless he or she has already reported the breach under section 150.

Professional advice

(2) No person undertaking professional services for a registered corporation shall advise the registered corporation or perform services for the corporation in an investment or other transaction in or to which the person is a party or has a direct or indirect beneficial interest in the subject-matter of the investment or transaction.

Solicitor-client privilege

(3) Nothing in this section abrogates any privilege that may exist between a solicitor and his or her client.

dommages-intérêts punitifs ou exemplaires par la personne assujettie à des restrictions.

Action oblique

149 (1) La compagnie inscrite ou le surintendant peut, par voie de requête, demander à la Haute Cour de justice une ordonnance portant que chacune des personnes qui a souscrit au placement ou à l'autre opération effectués contrairement à la présente partie ou qui en a facilité la réalisation verse à la compagnie, à titre solidaire, l'une des sommes suivantes :

a) le montant des dommages subis;

b) la valeur nominale du placement;

c) la somme versée par la compagnie en vue de l'opération.

Exception

(2) Le paragraphe (1) ne s'applique pas à la personne qui n'est pas administrateur, sauf si celle-ci savait ou aurait normalement dû savoir que le placement ou l'autre opération étaient effectués contrairement à la présente partie.

Rapport par le vérificateur

150 Le vérificateur signale promptement au conseil d'administration et au surintendant toute contravention à une disposition de la présente partie dont il a connaissance ou qui est portée à sa connaissance aux termes de l'article 151. Advenant le défaut du conseil d'administration de corriger la situation dans un délai raisonnable, le vérificateur fait promptement part au surintendant de ce défaut.

Rapport par d'autres

151 (1) La personne qui, dans le cadre des services professionnels qu'elle fournit à la compagnie inscrite, prend connaissance d'une contravention à la présente partie, la signale promptement au conseil d'administration ainsi qu'au vérificateur de la compagnie, à moins qu'elle ne l'ait déjà signalée aux termes de l'article 150.

Conseils d'ordre professionnel

(2) La personne qui fournit des services professionnels à la compagnie inscrite s'abstient de dispenser à cette dernière des conseils ou services ayant trait à un placement ou à une autre opération auquel elle est elle-même partie ou sur l'objet duquel elle a un droit à titre de bénéficiaire, soit directement, soit indirectement.

Secret professionnel de l'avocat

(3) Le présent article ne porte pas atteinte au secret professionnel qui lie l'avocat à son client.

No liability

152. A person who in good faith makes a report under subsection 151 (1) shall not be liable in any civil action arising therefrom.

PART X

BUSINESS AND INVESTMENTS

Application of ss. 154-172

153. Sections 154 to 172 do not apply to funds, except deposits, held by a registered corporation as a fiduciary.

Prudent investment standards

154.—(1) Every registered corporation shall adhere to prudent investment standards in making investment decisions and in managing its total investments.

Idem

(2) For the purposes of this Act, prudent investment standards are those which, in the overall context of an investment portfolio, a reasonably prudent person would apply to investments made on behalf of another person with whom there exists a fiduciary relationship to make such investments, without undue risk of loss or impairment and with a reasonable expectation of fair return or appreciation.

Procedures

(3) Every registered corporation shall establish written procedures to ensure that prudent investment standards are applied by the corporation in making investment decisions and in managing the total investments of the corporation.

Development of procedures

(4) The procedures referred to in subsection (3) shall be developed by the investment committee of the board of directors of the corporation and shall be reviewed at least twice each year by the investment committee.

Idem

(5) The investment committee shall report on its review under subsection (4) and shall give its recommendations, if any, with respect to the procedures referred to in subsection (3) to the board of directors.

Approval by board

(6) The procedures referred to in subsection (3) shall be subject to the approval of the board of directors and the board, upon receipt of any recommendation from the investment committee, shall review such procedures and make such changes as may be necessary.

Deposits, loan corporations

155.—(1) A registered provincial loan corporation and any other registered loan corporation that has capacity to do so may, in a debtor and creditor relationship for the purposes of investment, receive money,

(a) repayable on demand or after notice; or

Absence de responsabilité

152 La personne qui de bonne foi signale une contravention aux termes du paragraphe 151 (1) ne peut pas être tenue responsable dans toute instance civile qui en résulte.

PARTIE X

ACTIVITÉS COMMERCIALES ET PLACEMENTS

Champ d'application des articles 154 à 172

153 Les articles 154 à 172 ne s'appliquent pas aux fonds qu'une compagnie inscrite détient à titre fiduciaire, à l'exception des dépôts.

Normes de placements sûrs

154 (1) Dans ses décisions quant aux placements et dans la gestion de l'ensemble de ses placements, la compagnie inscrite observe des normes de placements sûrs.

Idem

(2) Pour l'application de la présente loi, les normes de placements sûrs sont celles qu'observerait en ce qui concerne le portefeuille pris dans son ensemble, la personne normalement prudente en faisant des placements pour le compte d'un mandant avec lequel elle entretiendrait un rapport fiduciaire à des fins de placements, qui ne comporteraient pas de risques indus de perte ou de dévaluation et qui donneraient la perspective raisonnable d'un rendement acceptable ou d'une hausse de valeur.

Procédure

(3) La compagnie inscrite établit une procédure écrite qui assure la mise en application de normes de placements sûrs dans ses décisions quant aux placements et dans la gestion de l'ensemble de ses placements.

Élaboration de la procédure

(4) Le comité de placements du conseil d'administration de la compagnie élabore la procédure visée au paragraphe (3) et la réexamine au moins deux fois l'an.

Idem

(5) Le comité de placements présente au conseil d'administration un rapport concernant le réexamen visé au paragraphe (4) et lui fait ses recommandations, le cas échéant, relativement à la procédure visée au paragraphe (3).

Approbation du conseil d'administration

(6) La procédure visée au paragraphe (3) est subordonnée à l'approbation du conseil d'administration. Ce dernier, sur une recommandation du comité de placements, réexamine la procédure et y apporte les modifications qui s'imposent.

Dépôts, compagnies de prêt

155 (1) La compagnie de prêt provinciale inscrite et toute autre compagnie de prêt inscrite qui a capacité à cette fin peuvent, dans le cadre d'un rapport de créancier à débiteur, existant à des fins de placement, recevoir des sommes d'argent :

a) remboursables sur demande ou sur préavis;

(b) repayable upon the expiry of a fixed term,

and the corporation may issue debentures or other evidences of indebtedness in respect thereof, appropriate to the debtor and creditor relationship created thereby.

Deposits, trust corporations

(2) A registered provincial trust corporation and any other registered trust corporation that has capacity to do so may, for the purpose of investment, receive money,

(a) repayable upon demand or after notice; or

(b) repayable upon the expiry of a fixed term,

and the corporation may issue investment certificates or other evidences of the money received, appropriate to the trust relationship created thereby.

Idem

(3) Money received by a trust corporation under subsection (2) shall be deemed to be held by it in trust for its depositors and it shall be deemed to guarantee the repayment thereof.

Idem

(4) Notwithstanding subsection (3), a trust corporation may retain the interest and profit resulting from the investment of money received by it under subsection (2) in excess of the amount of interest payable to its depositors in respect thereof.

Idem

(5) Every trust corporation receiving money as authorized by subsection (2) shall earmark and set aside in respect thereof securities, or cash and securities, equal to the full aggregate amount thereof and, for the purposes of this subsection, "cash" includes moneys on deposit and "securities" includes investments authorized under sections 162 to 166 and 170.

Idem

(6) An investment certificate or other evidence of money received issued by a trust corporation shall indicate in a clearly visible manner that it is guaranteed only as against the assets of the corporation earmarked and set aside under subsection (5).

Deposit insurance

156.—(1) No registered corporation shall exercise the powers mentioned in section 155 unless it is a member of the Canada Deposit Insurance Corporation or its deposits are insured by some other public agency approved by the Superintendent to the maximum amounts permitted by the agency.

Idem

(2) A provincial corporation, with the approval of the Superintendent, may borrow money from the Canada Deposit Insurance Corporation or other similar public agencies

b) remboursables à échéance.

La compagnie peut aussi émettre des débentures ou autres titres de créance appropriés au rapport de créancier à débiteur qui les lie en l'espèce.

Dépôts, compagnies de fiducie

(2) La compagnie de fiducie provinciale inscrite et toute autre compagnie de fiducie inscrite qui a capacité à cette fin peuvent, à des fins de placement, recevoir des sommes d'argent :

a) remboursables sur demande ou sur préavis;

b) remboursables à échéance.

La compagnie peut aussi émettre des certificats de placement ou autres attestations des sommes ainsi reçues et qui sont appropriés au rapport fiduciaire qui les lie en l'espèce.

Idem

(3) Les sommes d'argent reçues par une compagnie de fiducie en vertu du paragraphe (2) sont réputées détenues en fiducie pour le compte des déposants et la compagnie est réputée garantir leur remboursement.

Idem

(4) Malgré le paragraphe (3), la compagnie de fiducie peut toucher la partie des intérêts et revenus tirés du placement des sommes d'argent reçues en vertu du paragraphe (2) qui excède les intérêts payables aux déposants à l'égard de ces sommes.

Idem

(5) La compagnie de fiducie qui reçoit des sommes d'argent en vertu du paragraphe (2) met à part soit des valeurs mobilières, soit de la monnaie et des valeurs mobilières, d'un montant égal au total des sommes reçues. Pour l'application du présent paragraphe, «monnaie» s'entend en outre des sommes d'argent confiées à titre de dépôt et «valeurs mobilières» s'entend également des placements autorisés par les articles 162 à 166 et en vertu de l'article 170.

Idem

(6) Le certificat de placement ou l'autre attestation des sommes reçues délivrés par la compagnie de fiducie indiquent clairement qu'ils sont garantis par les seuls biens de la compagnie mis à part aux termes du paragraphe (5).

Assurance-dépôt

156 (1) Nulle compagnie inscrite ne doit exercer les pouvoirs visés à l'article 155, sauf si elle est membre de la Société d'assurance-dépôts du Canada ou que ses dépôts sont assurés, par un autre organisme gouvernemental approuvé par le surintendant, jusqu'aux montants maximaux permis par cet organisme.

Idem

(2) La compagnie provinciale peut, avec l'approbation du surintendant, contracter des emprunts auprès de la Société

approved by the Superintendent and, for such purposes, the corporation may mortgage thereto the cash and securities earmarked and set aside under section 155.

Borrowing multiples, limits

157.—(1) Subject to subsections (2), (3) and (4), the total amount,

(a) received as deposits and otherwise borrowed by a registered loan corporation; and

(b) received as deposits and borrowed by a registered trust corporation,

shall not exceed, at any time, an amount equal to ten times its capital base.

Exclusions from calculation

(2) Amounts borrowed by a registered corporation by way of subordinated notes and by way of mortgages on real estate owned by the corporation shall not be included in a determination of a total amount under subsection (1).

Increase in borrowing multiple

(3) On the application of a registered corporation, the Superintendent, by order and subject to such terms and conditions as may be set out in the order, may increase the total amount that may be borrowed or received by the corporation to an amount equal to such multiplier in excess of ten times but not exceeding twenty-five times its capital base as may be set out in the order and subsections (1) and (2) shall be deemed to apply to such increased amount, substituting the new multiplier for "ten" in subsection (1).

Borrowing over limit

(4) A registered corporation may exceed, at any time, the limit on its borrowing multiple as set out in subsection (1) or as set out in an order under subsection (3) if the board of directors has approved, by a resolution passed on an annual basis, the exceeding of the limit and so long as the amount by which the limit is exceeded is invested in a manner prescribed by the regulations.

Copy of special resolution

(5) No order shall be made under subsection (3) unless the application of the corporation is accompanied by a certified copy of a special resolution of the corporation supporting the increase requested under subsection (3).

Duty of Superintendent

(6) At least once each year, the Superintendent shall review the borrowing multiple authorized for each corporation to determine if the borrowing multiple is appropriate.

d'assurance-dépôts du Canada ou d'un autre organisme gouvernemental semblable approuvé par le surintendant. La compagnie peut à cette fin grever d'une hypothèque mobilière la monnaie et les valeurs mobilières mises à part aux termes de l'article 155.

Limitation des multiplicateurs d'emprunts

157 (1) Sous réserve des paragraphes (2), (3) et (4), la somme totale :

a) reçue à titre de dépôts et autrement empruntée par la compagnie de prêt inscrite;

b) reçue à titre de dépôts et empruntée par la compagnie de fiducie inscrite,

ne doit jamais excéder un montant égal à dix fois l'apport en capital de cette compagnie.

Montants à exclure

(2) Sont exclues de la somme totale visée au paragraphe (1) les sommes empruntées par la compagnie inscrite par voie d'émission de titres subalternes et par voie d'hypothèques grevant ses propres biens immobiliers.

Majoration du multiplicateur d'emprunts

(3) À la requête d'une compagnie inscrite, le surintendant peut, par ordonnance et sous réserve des conditions qu'il y fixe, porter la somme totale que la compagnie peut emprunter ou recevoir à une somme précisée dans l'ordonnance et qui excède dix fois, mais n'excède pas vingt-cinq fois, son apport en capital. Les paragraphes (1) et (2) s'appliquent à cette somme majorée, le nouveau multiplicateur étant substitué au mot «dix» au paragraphe (1).

Emprunt au-delà de la limite permise

(4) La compagnie inscrite peut dépasser la limite du multiplicateur d'emprunt énoncée au paragraphe (1) ou fixée dans l'ordonnance prise en vertu du paragraphe (3), si le conseil d'administration a approuvé cette mesure au moyen d'une résolution, valable pour une période d'un an. L'excédent doit toutefois faire l'objet d'un placement selon le mode prescrit aux règlements.

Copie de la résolution spéciale

(5) Il ne doit pas être rendu d'ordonnance en vertu du paragraphe (3) que si la requête de la compagnie est accompagnée d'une copie certifiée conforme d'une résolution spéciale adoptée à l'appui de la majoration demandée aux termes de ce paragraphe.

Obligation du surintendant

(6) Au moins une fois l'an, le multiplicateur d'emprunt autorisé pour chaque compagnie fait l'objet d'un réexamen de la part du surintendant, qui en vérifie la justesse.

Subordinated notes

158.—(1) A registered corporation may borrow money by way of the issue of notes having a denomination of at least $100,000.

Idem

(2) A note issued under this section shall be known as a subordinated note and the following provisions apply to every such note:

1. A subordinated note is not a deposit of the issuing corporation and is not insured by the Canada Deposit Insurance Corporation or any similar public agency.

2. In the event of the insolvency or winding up of the corporation, the indebtedness evidenced by each subordinated note ranks equally with the indebtedness evidenced by all other subordinated notes of the corporation and is subordinated in right of payment to all other indebtedness of the corporation.

3. Every subordinated note shall be evidenced by a certificate in a form approved for the corporation by the Superintendent and containing a statement of the terms set out in paragraphs 1 and 2 and such other information as the Superintendent, in approving the form, may require.

4. A subordinated note shall not be issued by a registered corporation except on application to its secretary.

Idem

(3) No registered corporation or person acting on its behalf, in any offering circular, advertisement, correspondence or literature relating to a subordinated note issued or to be issued by the corporation, shall refer to the note otherwise than as a subordinated note and the registered corporation or person, as the case may be, shall indicate clearly therein that the subordinated note is not a deposit that is insured by the Canada Deposit Insurance Corporation or other similar public agency.

Idem

(4) A registered corporation shall not issue a subordinated note if, after the issue of the note, the amount of the outstanding subordinate notes of the corporation would exceed the amount obtained by subtracting its outstanding subordinated notes and the subordinate note or notes it proposes to issue from its capital base.

Pledging for liquidity reasons

159.—(1) A registered corporation may pledge any of its own assets as security for a debt obligation of the corporation

158 (1) La compagnie inscrite peut emprunter des sommes d'argent par voie d'émission de titres d'une valeur minimale de 100 000 $. Titres subalternes

(2) Le titre émis en vertu du présent article porte l'appellation de «titre subalterne» et les dispositions suivantes s'y appliquent : Idem

1. Celui-ci ne constitue pas un dépôt de la compagnie émettrice et ne fait l'objet d'aucune protection d'assurance de la Société d'assurance-dépôts du Canada ou d'un organisme gouvernemental semblable.

2. Dans le cas d'insolvabilité ou de liquidation de la compagnie, toutes les créances attestées par des titres subalternes viennent au même rang et, dans l'ordre de collocation, prennent rang après toutes les autres dettes de la compagnie.

3. Le titre subalterne est attesté par un certificat rédigé dans la forme approuvée pour la compagnie par le surintendant. Les conditions qui figurent aux dispositions 1 et 2 y sont énoncées ainsi que les autres renseignements que le surintendant peut exiger avant d'approuver la forme.

4. La compagnie inscrite ne peut émettre de titre subalterne qu'à la suite d'une demande déposée auprès de son secrétaire.

(3) Dans toute circulaire d'offre, annonce publicitaire, correspondance ou documentation se rapportant à un titre subalterne émis ou à émettre par la compagnie, la compagnie inscrite ou la personne qui agit pour son compte ne doit pas faire mention du titre subalterne autrement que sous cette appellation. La compagnie ou la personne y indiquent clairement que le titre subalterne ne constitue pas un dépôt faisant l'objet de la protection d'assurance de la Société d'assurance-dépôts du Canada ou d'un autre organisme gouvernemental semblable. Idem

(4) La compagnie inscrite ne doit pas émettre de titres subalternes si, à la suite de cette émission, la somme totale de ses titres subalternes en circulation dépasserait le résultat obtenu en soustrayant du montant de son apport en capital, la somme des titres subalternes déjà en circulation et du ou des titres subalternes dont elle projette l'émission. Idem

159 (1) La compagnie inscrite peut nantir ses propres biens pour garantir un titre de créance, si le titre est émis relativement à un emprunt fait afin de combler les besoins de Nantissement à des fins de liquidité

if the debt obligation is issued in respect of money borrowed to enable the corporation to meet short term requirements for liquid funds arising from its operations and if the total debt obligation of the corporation in relation to which assets are so pledged does not exceed 50 per cent of the capital base.

Exception

(2) Subsection (1) does not apply so as to prevent a pledge of assets to the Government of Canada with respect to the sale of Canada Savings Bonds or such other transactions as may be named in the regulations.

Notice to Superintendent

(3) A corporation pledging any asset under subsection (1) shall promptly notify the Superintendent in writing of the amount so secured.

Borrowing without security

(4) A registered trust corporation shall not borrow money, except from a bank or a registered corporation, unless,

(a) it is borrowing by way of subordinated notes; or

(b) it is borrowing as authorized by subsection (1).

Receiver prohibited

(5) Any agreement under which a creditor of a registered corporation is authorized by reason of the failure of the corporation to make payment in respect of a debt obligation to appoint a receiver or acquire control of the corporation or of any asset of the corporation, other than an asset pledged under subsection (1) or (2), is void.

Pledge to restricted party prohibited

(6) A registered corporation shall not pledge any of its assets to a restricted party of the corporation.

Liquidity

160. Every registered corporation, at all times, shall maintain liquid assets in such form and amounts and in such manner as is prescribed.

Restriction on investing and pledging total assets

161.—(1) Except as provided in this Act, no registered corporation shall directly or indirectly invest or pledge any part of its total assets.

Shares of financial institution

(2) No registered corporation shall purchase directly or indirectly,

(a) shares or subordinated notes of any other corporation except under section 28 or clause 169 (1) (d) or (e); or

(b) shares of a bank for which there is no published market as defined in section 88 of the *Securities Act*.

R.S.O. 1980, c. 466

liquidité à court terme qu'engendrent ses opérations et si la dette obligataire totale de la compagnie à l'origine de ce nantissement n'est pas supérieure à 50 pour cent de l'apport en capital.

Exception

(2) Le paragraphe (1) n'a pas pour effet d'empêcher le nantissement de biens en faveur du gouvernement du Canada relativement à la vente d'obligations d'épargne du Canada ou à d'autres opérations mentionnées aux règlements.

Avis au surintendant

(3) La compagnie qui effectue le nantissement d'un bien en vertu du paragraphe (1) communique immédiatement par écrit au surintendant le montant du nantissement.

Prêts non assortis d'une sûreté

(4) La compagnie de fiducie inscrite ne doit pas emprunter de sommes d'argent, sauf d'une banque ou d'une compagnie inscrite, à moins d'effectuer l'emprunt :

a) par voie d'émission de titres subalternes;

b) selon le mode autorisé au paragraphe (1).

Nomination d'un séquestre interdite

(5) Est nulle la convention aux termes de laquelle le créancier de la compagnie inscrite, suivant le défaut de celle-ci d'honorer une dette constatée par titre de créance, est autorisé à nommer un séquestre ou à effectuer la mainmise sur celle-ci ou sur ses biens, sauf le bien nanti en vertu des paragraphes (1) ou (2).

Nantissement interdit

(6) La compagnie inscrite ne doit nantir aucun de ses biens en faveur d'une personne assujettie à des restrictions à l'égard de la compagnie.

Liquidité

160 La compagnie inscrite maintient en tout temps des biens liquides sous la forme, de la valeur et de la manière prescrites.

Restrictions au placement ou au nantissement des éléments de l'actif total

161 (1) La compagnie inscrite ne doit effectuer, directement ou indirectement, aucun placement ni nantissement d'un élément quelconque de son actif total, sauf en conformité avec la présente loi.

Actions d'institutions financières

(2) La compagnie inscrite ne doit pas, directement ou indirectement, acquérir :

a) les actions ou les titres subalternes d'une autre compagnie, sauf en vertu de l'article 28 ou des alinéas 169 (1) d) ou e);

b) des actions d'une banque pour lesquelles il n'existe pas de marché officiel au sens de l'article 88 de la *Loi sur les valeurs mobilières*.

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Eligible investments

162.—(1) A registered corporation may invest by way of purchase of or loans on the security of,

mortgages

(a) mortgages upon improved real estate in Canada so long as the amount paid for or advanced on any mortgage, together with the amount of indebtedness under any mortgage, on the real estate ranking equally with or prior to the mortgage, in which the purchase or loan is made, does not exceed the lending value of the real estate to which the mortgage relates unless,

(i) the loan for which the mortgage is security is approved or insured under the *National Housing Act* (Canada), or

R.S.C. 1970, c. N-10

(ii) the excess is guaranteed or insured through an agency of the Government of Canada or of a province or territory of Canada or is insured by a policy of mortgage insurance issued by an insurance company licensed or registered under the *Canadian and British Insurance Companies Act* (Canada), the *Foreign Insurance Companies Act* (Canada) or the *Insurance Act* or similar legislation of any province or territory of Canada;

R.S.C. 1970, cc. I-15, I-16

R.S.O. 1980, c. 218

debentures, bonds

(b) debentures, bonds or other evidences of indebtedness,

(i) of or guaranteed by the Government of Canada or of a province or territory of Canada,

(ii) of or guaranteed by a foreign country or state forming part of such foreign country where the interest on the debt obligations of such foreign country or state has been paid regularly when due for the previous ten years,

(iii) of any municipality in Canada or school board in Canada or guaranteed by any municipality in Canada, or secured by rates or taxes levied under the law of any province or territory of Canada on property in such province or territory and collectable by or through the municipality or school board for the jurisdiction in which the property is situated,

162 (1) La compagnie inscrite peut effectuer des placements au moyen de l'achat des biens suivants, ou au moyen de prêts garantis par ceux-ci : Placements admissibles

a) des hypothèques ou des prêts garantis au moyen d'une hypothèque portant sur des biens immeubles améliorés situés au Canada, à condition que la somme payée en contrepartie ou avancée sur hypothèque, majorée du montant de la dette reliée à toute autre hypothèque de même rang ou qui prime l'hypothèque visée, ne dépasse pas la valeur hypothécable de l'immeuble grevé, sauf dans les cas suivants : hypothèques

(i) le prêt garanti par l'hypothèque est un prêt approuvé ou assuré aux termes de la *Loi nationale sur l'habitation* (Canada), S.R.C. 1970, chap. N-10

(ii) l'excédent est garanti ou assuré par un organisme du gouvernement du Canada ou d'une province ou d'un territoire du Canada, ou en vertu d'une police d'assurance-hypothèque émise par une compagnie d'assurance titulaire d'un permis ou enregistrée en vertu de la *Loi sur les compagnies d'assurance canadiennes et britanniques* (Canada), la *Loi sur les compagnies d'assurance étrangères* (Canada), la *Loi sur les assurances* ou une loi semblable d'une province ou d'un territoire du Canada; S.R.C. 1970, chap. I-15, I-16 L.R.O. 1980, chap. 218

b) des débentures, des obligations ou d'autres titres de créance : débentures, obligations

(i) émis ou garantis par le gouvernement du Canada ou d'une province ou d'un territoire du Canada,

(ii) émis ou garantis par un pays étranger ou un État qui en fait partie, pourvu que ceux-ci aient, de façon soutenue au cours des dix dernières années, versé les intérêts sur leurs titres de créance au fur et à mesure de leur échéance,

(iii) émis par une municipalité du Canada ou un conseil scolaire du Canada ou garantis soit par une municipalité canadienne, soit au moyen d'impôts ou de taxes levés sur des biens conformément aux lois de la province ou du territoire où ils sont situés et recouvrables par la municipalité ou le conseil scolaire du lieu où ils sont situés, ou par leur truchement,

(iv) of any company that are secured by a mortgage to a trust corporation in Canada either singly or jointly with another trustee upon improved real estate of such company or other assets of such company of the classes in clause (a) or subclause (i), (ii), (iii) or (v),

(v) of a company that are secured by the assignment to a trustee of payments that the Government of Canada has agreed to make, if such payments are sufficient to meet the interest as it falls due on the debentures, bonds or other evidences of indebtedness outstanding and to meet the principal amount of the debentures, bonds or other evidences of indebtedness upon maturity;

idem

(c) securities of or guaranteed by any company if, at the date of the investment, the company has been in *bona fide* operation for at least five years;

life insurance policy

(d) mortgages or assignments of life insurance policies but only by way of loan and only if at the date of the loan such policy has an ascertained cash surrender value admitted by the insurer at least equal to the amount of the loan;

deposits in banks

(e) deposits in or receipts, deposit notes, certificates of deposit, acceptances and other similar instruments issued or endorsed by a bank; and

deposits in registered corporation or credit union

R.S.O. 1980, c. 102

(f) deposits in a registered corporation or in a credit union or caisse populaire incorporated or registered under the *Credit Unions and Caisses Populaires Act*.

Government guaranteed loans, personal loans, commercial lending

(2) A registered corporation may invest,

(a) by lending money by way of guaranteed loans under and in accordance with any of the following for which it has been designated as a bank or lender,

R.S.C. 1970, c. S-17

(i) the *Canada Student Loans Act*,

R.S.C. 1970, c. F-3

(ii) the *Farm Improvement Loans Act* (Canada),

(iv) émis par une corporation et garantis au moyen d'une hypothèque consentie à une compagnie de fiducie au Canada, soit seule, soit en commun avec un autre fiduciaire et qui porte sur des biens immeubles améliorés ou d'autres biens de celle-ci dans les catégories visées à l'alinéa a) ou aux sous-alinéas (i), (ii), (iii) ou (v),

(v) émis par une corporation et garantis au moyen de la cession en faveur d'un fiduciaire de paiements que le gouvernement du Canada a convenu d'effectuer, si ces paiements suffisent à acquitter les intérêts au fur et à mesure qu'ils sont échus, sur les débentures, obligations ou autres titres de créance en circulation, ainsi que le montant en principal de ces titres à leur échéance;

idem

c) des valeurs mobilières émises ou garanties par une corporation si celle-ci, à la date du placement, est exploitée effectivement depuis au moins cinq ans;

polices d'assurance-vie

d) des hypothèques ou des cessions de polices d'assurance-vie, seulement au moyen de prêts et si à la date du prêt ces polices ont une valeur de rachat précise et reconnue par l'assureur comme étant au moins égale au montant du prêt;

dépôts auprès d'une banque

e) des dépôts bancaires ou des récépissés, des billets ou des certificats de dépôts, acceptations ou autres effets semblables délivrés ou visés par une banque;

dépôts auprès d'une compagnie inscrite ou d'une caisse populaire

f) des dépôts auprès d'une compagnie inscrite ou d'une caisse populaire ou *credit union* constitués ou enregistrés en vertu de la *Loi sur les caisses populaires et les credit unions*.

L.R.O. 1980, chap. 102

(2) La compagnie inscrite peut effectuer des placements :

Prêts garantis par le gouvernement, prêts personnels et commerciaux

a) au moyen de prêts de sommes d'argent à titre de prêts garantis conformément à l'une des lois suivantes, en vertu de laquelle la compagnie a été désignée en tant que banque ou institution prêteuse :

S.R.C. 1970, chap. S-17

(i) la *Loi canadienne sur les prêts aux étudiants*,

S.R.C. 1970, chap. F-3

(ii) la *Loi sur les prêts destinés aux améliorations agricoles* (Canada),

R.S.C. 1970, c. F-22

(iii) the *Fisheries Improvement Loans Act* (Canada),

R.S.C. 1970, c. S-10

(iv) the *Small Business Loans Act* (Canada),

(v) any statute of Canada or of a province of Canada designated by the regulations,

(vi) any ordinance of a territory of Canada designated by the regulations;

(b) by making personal loans to any individual, with or without security, not exceeding those amounts as may be prescribed; and

(c) by making loans for business or commercial purposes not authorized by any other provision of this Act payable on demand or in less than one year to companies, partnerships, sole proprietorships and joint ventures.

Leases and conditional sale agreements

(3) A registered corporation may invest by way of purchase of personal property and the lease of it to a lessee or by way of loan to a lessee or conditional purchaser where the evidence of the investment is a lease of personal property or an instrument similar to a lease of personal property or a conditional sales contract but only if the investment is for a fixed term and,

(a) the lessee or conditional purchaser is the Government of Canada or of a province or territory of Canada or any agency thereof or any municipality in Canada;

(b) the lessee or conditional purchaser is a company, partnership, sole proprietorship or joint venture; or

(c) the lessee or conditional purchaser is an individual and the balance payable under the lease or instrument does not exceed such amount as may be prescribed.

Restrictions on personal loans, commercial lending, leases and conditional sales agreements

(4) A registered corporation shall not make investments,

(a) by way of a loan under clause (1) (b), (c), (e) or (f) if the amount of the loan exceeds at the date of the loan the market value of the security for the loan;

(iii) la *Loi sur les prêts aidant aux opérations de pêche* (Canada), S.R.C. 1970, chap. F-22

(iv) la *Loi sur les prêts aux petites entreprises* (Canada), S.R.C. 1970, chap. S-10

(v) une loi du Canada ou d'une province du Canada, désignée par les règlements,

(vi) une ordonnance d'un territoire du Canada, désignée par les règlements;

b) au moyen de prêts personnels consentis à des particuliers, assortis ou non de sûretés, dont les montants ne dépassent pas les maximums prescrits;

c) au moyen de prêts qui sont consentis à des corporations, des sociétés, des entreprises personnelles ou communes à des fins commerciales et qui ne sont pas déjà autorisés par une autre disposition de la présente loi, ces prêts étant remboursables sur demande ou en moins d'un an.

Baux et contrats de vente conditionnelle

(3) La compagnie inscrite peut effectuer un placement au moyen de l'achat de biens meubles et de leur location à un locataire, ou au moyen d'un prêt à un locataire ou à un acquéreur sous condition, si le titre qui constate ce placement est un bail mobilier, un acte juridique semblable ou un contrat de vente conditionnelle, pourvu que le placement soit d'une durée déterminée et :

a) que le locataire ou l'acquéreur sous condition soit le gouvernement du Canada ou d'une province ou d'un territoire du Canada, l'un de leurs organismes ou une municipalité canadienne;

b) que le locataire ou l'acquéreur sous condition soit une corporation, une société ou une entreprise personnelle ou commune;

c) que le locataire ou l'acquéreur sous condition soit une personne physique et que le solde qui reste à payer aux termes du bail ou de l'acte ne dépasse pas le montant prescrit.

Restrictions aux prêts personnels et commerciaux, aux baux et contrats de vente conditionnelle

(4) La compagnie inscrite ne doit pas effectuer de placements :

a) au moyen de prêts aux termes des alinéas (1) b), c), e) ou f), si le montant du prêt est supérieur, à la date du prêt, à la valeur marchande de la sûreté;

(b) under clause (2) (b) or (c) or clause (3) (b) or (c) unless,

(i) it is authorized by its registration to make such class of investments, and

(ii) it complies with the terms, conditions and restrictions, if any, imposed on the corporation in its registration with respect to such class of investments;

(c) under clause (2) (b) or clause (3) (c) unless the aggregate total of such investments is 20 per cent or less of the total assets of the corporation or such lower percentage as is authorized by its registration;

(d) under clause (2) (c) or clause (3) (b) unless,

(i) the capital base of the corporation is equal to or exceeds $15,000,000, and

(ii) the combined total of the investments under those two clauses is 20 per cent or less of the total assets of the corporation or such lower percentage as is authorized by its registration.

Real estate for the production of income

163.—(1) Subject to subsection (2), a registered corporation, by way of purchase, may invest in improved real estate in Canada for the production of income.

Idem

(2) The total book value on a gross basis of all investments in real estate under this section and section 164, whether by a corporation or by a subsidiary of the corporation, shall not exceed 10 per cent of the total assets of the corporation and not more than 1 per cent of the total assets of the corporation may be invested in any one parcel of real estate purchased under this section.

Real estate for own use

164.—(1) Subject to subsection 163 (2), a registered corporation, by way of purchase, may invest in improved real estate in Canada that is or is to be occupied by the corporation for its own use.

Idem

(2) For the purposes of this section, real estate purchased by a subsidiary of a registered corporation that is occupied and used by the subsidiary for either or both its own purposes and the purposes of the registered corporation shall be deemed to be real estate purchased by the registered corporation under this section.

b) aux termes des alinéas (2) b) ou c) ou des alinéas (3) b) ou c), à moins que :

(i) d'une part, les conditions rattachées à son inscription n'autorisent les placements de cette catégorie,

(ii) d'autre part, la compagnie ne se conforme aux conditions et restrictions propres à cette catégorie de placements et rattachées à l'inscription de la compagnie, le cas échéant;

c) aux termes des alinéas (2) b) ou (3) c), à moins que la somme totale de ces placements ne représente que 20 pour cent ou moins de l'actif total de la compagnie ou le pourcentage plus faible qu'autorisent les conditions rattachées à l'inscription de la compagnie;

d) aux termes des alinéas (2) c) ou (3) b), à moins que :

(i) d'une part, l'apport en capital de la compagnie ne soit de 15 000 000 $ ou plus,

(ii) d'autre part, la somme totale des placements effectués aux termes de ces deux alinéas ne représente que 20 pour cent ou moins de l'actif total de la compagnie ou le pourcentage plus faible qu'autorisent les conditions rattachées à l'inscription de la compagnie.

Les biens immeubles productifs de revenus

163 (1) Sous réserve du paragraphe (2), la compagnie inscrite peut effectuer des placements au moyen de l'achat de biens immeubles améliorés situés au Canada, afin de produire un revenu.

Idem

(2) La valeur comptable totale de tous les placements immobiliers aux termes du présent article et de l'article 164, calculée sur une base brute, qu'ils soient effectués par une compagnie ou par ses filiales, ne doit pas dépasser 10 pour cent de l'actif total de la compagnie. Cette dernière ne doit pas en outre affecter plus de 1 pour cent de la valeur de son actif total à l'achat aux termes du présent article d'un bien immeuble en particulier.

Biens immeubles destinés à son propre usage

164 (1) Sous réserve du paragraphe 163 (2), la compagnie inscrite peut effectuer des placements au moyen de l'achat de biens immobiliers améliorés situés au Canada qu'elle occupe ou occupera elle-même.

Idem

(2) Pour l'application du présent article, le bien immobilier dont la filiale d'une compagnie inscrite a fait l'acquisition et

Exclusion of foreclosed real estate from determination of total book value

165.—(1) The book value of real estate that has been mortgaged to a corporation or any of its subsidiaries and that has been acquired by the corporation or the subsidiary to protect its investment and of real estate that has been conveyed to it or any of its subsidiaries in satisfaction of debts previously contracted in the course of the corporation's business or that of the subsidiary need not be included in determining total book value of real estate for the purposes of subsection 163 (2).

Sale of foreclosed real estate

(2) Where real estate has been mortgaged to a corporation or any of its subsidiaries and the real estate has been acquired by the corporation or the subsidiary to protect its investment, the corporation or subsidiary may sell the real estate and take back a mortgage of it even though the mortgage does not satisfy the requirements of clause 162 (1) (a).

"Open basket"

166.—(1) A registered corporation may make investments not authorized by section 162, 163 or 164 if the investment is not prohibited under any other provision of this Act so long as the total book value of investments made under this section and held by the corporation does not exceed 5 per cent of the total assets of the corporation.

Idem

(2) Subsection (1) does not apply so as to,

(a) enlarge the authority conferred by this Act to invest in mortgages, or to lend on the security of real estate; or

(b) affect the limit of 10 per cent of the total assets that may be invested in real estate under section 163.

Idem

(3) Where a corporation has received the approval of the Superintendent to make investments under clause 162 (2) (b) or (c) or clause 162 (3) (b), the corporation shall not make any such investments under subsection (1).

Investment limits

167.—(1) Notwithstanding any other provision of this Act, except paragraph 4 of subsection 28 (1), a corporation shall maintain at all times at least 50 per cent of its total assets, excluding assets of subsidiaries, in,

(a) bonds, debentures or other evidences of indebtedness,

qu'elle occupe et utilise à ses propres fins ou aux fins de la compagnie inscrite, ou à ces deux fins, est réputé acquis par la compagnie inscrite aux termes du présent article.

Exclusion de la valeur comptable des immeubles qui font l'objet d'une forclusion

165 (1) Il n'est pas nécessaire d'inclure, aux fins d'établir la valeur comptable des biens immeubles pour l'application du paragraphe 163 (2), les biens immeubles hypothéqués en faveur d'une compagnie ou de l'une de ses filiales dont la compagnie ou la filiale a fait l'acquisition pour la protection de ses placements. Il en est de même des biens immeubles dont il a été fait cession à la compagnie ou à sa filiale en paiement de dettes préalablement contractées dans le cours de ses affaires.

Vente des immeubles qui font l'objet d'une forclusion

(2) Si un bien immeuble a été hypothéqué en faveur d'une compagnie ou de l'une de ses filiales et que la compagnie ou la filiale en a fait l'acquisition pour la protection de ses placements, elle peut vendre le bien immeuble moyennant la création d'une hypothèque en sa faveur, même si cette hypothèque ne satisfait pas aux exigences de l'alinéa 162 (1) a).

Placements divers

166 (1) La compagnie inscrite peut effectuer des placements qui ne sont pas autorisés par les articles 162, 163 ou 164, pourvu que le placement ne soit pas prohibé aux termes d'une autre disposition de la présente loi et que la valeur comptable des placements effectués aux termes du présent article et que possède la compagnie inscrite ne soit pas supérieure à 5 pour cent de son actif total.

Idem

(2) Le paragraphe (1) n'a pas pour effet :

a) d'étendre le pouvoir accordé par la présente loi d'effectuer des placements hypothécaires ou de consentir des prêts garantis par des biens immeubles;

b) de modifier la limite de 10 pour cent de l'actif total qui peut être placé dans des biens immeubles en vertu de l'article 163.

Idem

(3) La compagnie qui a reçu l'approbation du surintendant en vue d'effectuer des placements en vertu des alinéas 162 (2) b) ou c) ou (3) b) ne doit pas effectuer de tels placements en vertu du paragraphe (1).

Nature des placements

167 (1) Malgré toute autre disposition de la présente loi, à l'exception de la disposition 4 du paragraphe 28 (1), au moins 50 pour cent de l'actif total de la compagnie, à l'exclusion de l'actif de ses filiales, se compose :

a) d'obligations, de débentures ou d'autres titres de créance :

(i) of or guaranteed by the Government of Canada or any province or territory of Canada,

(ii) of any municipality or school board in Canada, or guaranteed by any municipality in Canada, or secured by rates or taxes levied under the law of any province or territory of Canada on property in such province or territory and collectable by or through the municipality or school board for the jurisdiction in which such property is situated;

(b) first mortgages, upon real estate in Canada;

(c) debt instruments of a company that are secured by the assignment to a trustee of payments that the Government of Canada has agreed to make and that are sufficient to meet the interest as it falls due and to meet the principal amount upon maturity;

(d) deposits in or receipts, deposit notes, certificates of deposit, acceptances and other similar instruments issued or endorsed by a bank;

(e) deposits in a registered corporation;

(f) debt instruments of banks;

(g) such other investments as may be prescribed; or

(h) any combination of cash and the investments referred to in clauses (a) to (g).

Third and subsequent mortgages

(2) Investments by a registered corporation in third and subsequent mortgages shall be limited to 2 per cent of the total assets of the corporation.

Idem

(3) For the purposes of subsection (2), an investment in a third or subsequent mortgage by a subsidiary of a corporation shall be deemed to be an investment in the mortgage by the corporation.

Securities

(4) A registered corporation shall not make an investment in securities of a company if, after the investment,

(i) du gouvernement du Canada ou d'une province ou d'un territoire du Canada ou garanti par ces derniers,

(ii) d'une municipalité ou d'un conseil scolaire au Canada ou garantis soit par une municipalité canadienne, soit au moyen d'impôts ou de taxes levés sur des biens conformément aux lois de la province ou du territoire où ils sont situés et recouvrables par la municipalité ou le conseil scolaire où ils sont situés, ou par leur truchement;

b) d'hypothèques de premier rang grevant des biens immeubles situés au Canada;

c) de titres d'emprunt d'une corporation, garantis par la cession en faveur d'un fiduciaire de paiements que le gouvernement du Canada a convenu d'effectuer et qui suffisent à acquitter les intérêts au fur et à mesure qu'ils sont échus, ainsi que le montant principal à l'échéance;

d) de dépôts bancaires ou de récépissés, de billets ou de certificats de dépôts, d'acceptations ou d'autres effets semblables délivrés ou visés par une banque;

e) de dépôts auprès d'une compagnie inscrite;

f) de titres d'emprunt de banques;

g) d'autres placements prescrits;

h) d'une combinaison de sommes en espèces et de placements visés aux alinéas a) à g).

Hypothèques de troisième rang et autres de rang postérieur

(2) La compagnie inscrite ne doit placer plus de 2 pour cent de son actif total dans des hypothèques de troisième rang ou de rang postérieur.

Idem

(3) Pour l'application du paragraphe (2), est réputé un placement de la compagnie le placement de sa filiale effectué dans des hypothèques de troisième rang ou de rang postérieur.

Valeurs mobilières

(4) La compagnie inscrite ne doit pas effectuer de placement dans des valeurs mobilières d'une corporation dont l'effet serait :

(a) its holdings of securities of all companies carried on its books would exceed 25 per cent of its total assets; or

(b) its holdings of common shares of all companies carried on its books would exceed 10 per cent of its total assets.

Idem

(5) The shares of a subsidiary of the corporation shall not be included in the calculation of the 10 per cent referred to in clause (4) (b).

Idem

(6) For the purposes of subsection (4), an investment in securities by a subsidiary of a corporation, other than a mutual fund or securities dealer subsidiary of the corporation, shall be deemed to be an investment by the corporation.

Restrictions on amount of single investments

168.—(1) No corporation shall directly or indirectly,

(a) invest, by way of purchases from or loans to any one person or to two or more persons that to the knowledge of the corporation are related, an amount exceeding the greatest of,

(i) $250,000,

(ii) 1 per cent of the corporation's total assets, or

(iii) such percentage of the corporation's total assets as may be prescribed; or

(b) make any investment the effect of which will be that the corporation will hold more than 10 per cent of the issued and outstanding shares of a class of voting shares of any one body corporate other than a subsidiary of the corporation.

Government and bank securities

(2) Clause (1) (a) does not apply so as to restrict investments in,

(a) securities issued or guaranteed by the Government of Canada, including mortgages insured under the *National Housing Act* (Canada), by the government of any province of Canada or by any municipality in Canada;

R.S.C. 1970, c. N-10

a) soit de porter, au regard de leur valeur comptable, les valeurs mobilières de corporations détenues par la compagnie à plus de 25 pour cent de son actif total;

b) soit de porter, au regard de leur valeur comptable, les actions ordinaires de corporations détenues par la compagnie à plus de 10 pour cent de son actif total.

Idem

(5) Il n'est pas tenu compte, pour le calcul des 10 pour cent visés à l'alinéa (4) b), des actions d'une filiale de la compagnie.

Idem

(6) Pour l'application du paragraphe (4), est réputé un placement de la compagnie le placement effectué dans des valeurs mobilières par sa filiale, à l'exception d'une filiale à fonds mutuel ou d'une filiale de courtage en valeurs mobilières.

Limites au montant des placements particuliers

168 (1) Nulle compagnie ne doit, directement ou indirectement :

a) effectuer, au moyen d'achats faits auprès d'une seule personne ou auprès de plusieurs personnes que la compagnie sait être liées, ou au moyen de prêts consentis à cette personne ou à ces personnes, un placement qui excède le plus élevé des montants suivants :

(i) 250 000 $,

(ii) 1 pour cent de l'actif total de la compagnie,

(iii) le pourcentage prescrit de l'actif total de la compagnie;

b) effectuer un placement qui porterait à plus de 10 pour cent le nombre d'actions émises et en circulation d'une catégorie d'actions assorties du droit de vote que celle-ci détient auprès d'une personne morale particulière qui n'est pas sa filiale.

Valeurs mobilières de gouvernements ou de banques

(2) L'alinéa (1) a) n'a pas pour effet d'interdire les placements effectués :

a) dans des valeurs mobilières émises ou garanties par le gouvernement du Canada, y compris les hypothèques assurées en vertu de la *Loi nationale sur l'habitation* (Canada), par le gouvernement d'une de ses provinces ou par une municipalité du Canada;

S.R.C. 1970, chap. N-10

(b) debt instruments issued or endorsed by a bank.

Securities dealers

(3) Subject to such conditions as may be prescribed, a corporation, with the approval of the Superintendent, may invest its funds in the fully paid voting shares of a dealer within the meaning of the *Securities Act*.

R.S.O. 1980, c. 466

Non-application

(4) Clause (1) (b) and subsections 169 (2) and (4) do not apply to an investment under subsection (3).

Related persons

(5) For the purposes of this section, a person shall be deemed to be related to,

(a) every body corporate which the person controls and every affiliate of such body corporate;

(b) every partner of the person who has an interest of 50 per cent or more in a partnership in which the person has an interest of 50 per cent or more;

(c) every trust or estate in which the person has a substantial beneficial interest or as to which the person serves as trustee or in a similar capacity;

(d) the spouse and every child of the person;

(e) every relative of the person or of his or her spouse who has the same home as the person.

Investment in subsidiaries

169.—(1) Subject to such terms and conditions concerning subsidiaries as may be prescribed, a registered corporation may establish or acquire as a subsidiary,

(a) any company incorporated in Canada to acquire, hold, maintain, improve, sell, lease or manage real estate or leaseholds or to act as agent in the sale or purchase of real estate or leaseholds;

(b) with the prior approval of the Superintendent, any company incorporated other than in Canada to acquire, hold, maintain, improve, sell, lease or manage real estate or leaseholds or act as agent in the sale or purchase of real estate or leaseholds;

b) dans des titres d'emprunt qui sont émis ou endossés par une banque.

Courtiers en valeurs mobilières

(3) Sous réserve des conditions prescrites et avec l'approbation du surintendant, la compagnie peut investir ses fonds dans les actions assorties du droit de vote et entièrement libérées d'un courtier au sens de la *Loi sur les valeurs mobilières*. L.R.O. 1980, chap. 466

Non-application

(4) L'alinéa (1) b) et les paragraphes 169 (2) et (4) ne s'appliquent pas au placement visé au paragraphe (3).

Personnes liées

(5) Pour l'application du présent article, une personne est réputée liée :

a) à la personne morale dont elle a le contrôle, ainsi qu'aux membres du même groupe que cette personne morale;

b) à chacun des associés de cette personne qui a une participation de 50 pour cent ou plus dans une société dans laquelle la personne a également une participation de 50 pour cent ou plus;

c) à la fiducie ou à la succession sur laquelle la personne a un droit important à titre bénéficiaire ou à l'égard de laquelle elle remplit des fonctions de fiduciaire ou des fonctions analogues;

d) au conjoint et à chaque enfant de cette personne;

e) à chaque parent de la personne ou de son conjoint, qui habite avec elle.

Placements auprès de filiales

169 (1) Sous réserve des conditions prescrites en ce qui concerne les filiales, la compagnie inscrite peut constituer ou acquérir à titre de filiale :

a) une corporation constituée au Canada dans le but d'acquérir, de détenir, de conserver, d'améliorer, de vendre, de louer ou d'administrer des biens immeubles ou des tenures à bail ou de servir de mandataire lors de l'acquisition ou de la vente de ces biens;

b) avec l'approbation préalable du surintendant, une corporation constituée en dehors du Canada aux fins d'acquérir, de détenir, de conserver, d'améliorer, de vendre, de louer ou d'administrer des biens immeubles ou des tenures à bail ou de servir de mandataire lors de l'acquisition ou de la vente de ces biens;

(c) with the prior approval of the Superintendent and subject to such terms and conditions as the Superintendent may impose or as may be prescribed, any company to carry on any other business activity reasonably ancillary to the business of a corporation;

(d) a loan corporation incorporated in Canada, if the investing corporation is a trust corporation; and

(e) a trust corporation incorporated in Canada, if the investing corporation is a loan corporation.

Prohibition

(2) A subsidiary described in subsection (1) shall not invest its funds except as provided for registered corporations in this Act.

Idem

(3) Subsection (2) does not apply to a subsidiary described in clause (1) (c) so long as the corporation satisfies all terms and conditions imposed by the Superintendent or the regulations.

Idem

(4) A registered corporation shall not make an investment in or guarantee any obligation of a subsidiary of the corporation if, after the making of the investment or the giving of the guarantee, the total book value of all such investments and guarantees will exceed 5 per cent of the corporation's total assets.

Idem

(5) Subsection (4) does not apply to investments in or guarantees of the obligations of a subsidiary described in clause (1) (d) or (e).

Other investments authorized

170. The Lieutenant Governor in Council may authorize the acceptance by a registered corporation of securities or other assets not fulfilling the requirements of this Act,

(a) obtained in payment or part payment for securities sold by the corporation;

(b) obtained under a *bona fide* arrangement for the reorganization of a body corporate whose securities were previously owned by the corporation;

(c) obtained under an amalgamation with another body corporate of the body corporate whose securities were previously owned by the corporation;

c) avec l'approbation préalable du surintendant et sous réserve des conditions que fixe ce dernier ou qui sont prescrites, toute corporation dans le but d'exercer une activité raisonnablement accessoire à celle de la compagnie;

d) une compagnie de prêt constituée au Canada, si l'investisseur est une compagnie de fiducie;

e) une compagnie de fiducie constituée au Canada, si l'investisseur est une compagnie de prêt.

Interdiction

(2) La filiale visée au paragraphe (1) ne doit pas placer ses fonds qu'en conformité avec les dispositions de la présente loi applicables aux compagnies inscrites.

Idem

(3) Le paragraphe (2) ne s'applique pas à la filiale visée à l'alinéa (1) c) tant que la compagnie se conforme à toutes les conditions fixées par le surintendant ou dans les règlements.

Idem

(4) La compagnie inscrite ne doit pas effectuer de placement auprès de sa filiale, ni cautionner les obligations de cette dernière, si ces opérations avaient pour effet de porter, au regard de la valeur comptable, la somme totale de ces placements et cautionnements à plus de 5 pour cent de son actif total.

Idem

(5) Le paragraphe (4) ne s'applique ni aux placements dans la filiale visée aux alinéas (1) d) ou e) ni aux cautionnements des obligations de cette dernière.

Acceptation d'autres placements

170 Le lieutenant-gouverneur en conseil peut autoriser une compagnie inscrite à accepter des valeurs mobilières ou autres éléments d'actif non conformes aux exigences de la présente loi et obtenus :

a) en paiement total ou partiel de valeurs mobilières vendues par la compagnie;

b) de bonne foi aux termes d'un arrangement conclu lors de la réorganisation d'une personne morale dont les valeurs mobilières étaient auparavant la propriété de la compagnie;

c) aux termes de la fusion d'une personne morale dont les valeurs mobilières étaient auparavant la propriété de la compagnie, avec une autre personne morale;

(d) obtained for the *bona fide* purpose of protecting investments of the corporation;

(e) obtained by virtue of the purchase by the corporation of the assets of another corporation; or

(f) obtained by virtue of realizing on the security for a loan where the security is shares in a body corporate and the effect of realizing on the security is that the registered corporation will hold more than 10 per cent of the issued and outstanding shares of a class of voting shares of any one body corporate,

but the securities or other assets whose acceptance is so authorized shall be sold and disposed of within five years after the acquisition thereof or, within such further time not exceeding one year as the Lieutenant Governor in Council, on the report of the Superintendent, may fix and determine, unless it can be shown to the satisfaction of the Superintendent that the securities or other assets whose acceptance is so authorized are not inferior in status or value to the securities for which they have been substituted.

Additional collateral

171. A registered corporation may take real or personal property as collateral security for any advance or for any debt due to the corporation in addition to any other security for the advance or debt required under this Act.

Allocation of security

172. A single loan that is secured by two or more assets or classes of assets that would, but for this section, not be an investment of the corporation permitted under this Act may be divided into different amounts and considered as separate loans with respect to each asset or class of assets for the purposes of determining whether the loan is permitted under this Act.

Common trust funds authorized

173.—(1) Notwithstanding this or any other Act, a registered provincial trust corporation and any other registered trust corporation that has capacity to do so may, unless the trust instrument otherwise directs, invest money held by it as a fiduciary, other than deposits, in one or more common trust funds of the trust corporation and, where trust money is held by the trust corporation as a co-trustee, the investment thereof in a common trust fund may only be made by the trust corporation with the consent of its co-trustees.

Exception

(2) A common trust fund authorized by subsection (1) shall not include any money in relation to a trust established exclusively for savings plans registered under the *Income Tax Act* (Canada).

R.S.C. 1952, c. 146

d) de bonne foi dans le but de protéger les placements de la compagnie;

e) lors de l'acquisition par la compagnie de l'actif d'une autre compagnie;

f) par la réalisation de la sûreté d'un prêt composée d'actions d'une personne morale et qui porte à plus de 10 pour cent le nombre d'actions émises et en circulation d'une catégorie d'actions assorties du droit de vote d'une personne morale particulière que détient la compagnie.

Les valeurs mobilières ou autres éléments d'actif dont l'acceptation est autorisée sont aliénés dans les cinq ans de leur acquisition ou au cours de la période plus longue, n'excédant pas un an, que peut fixer le lieutenant-gouverneur en conseil sur recommandation du surintendant. Toutefois, il n'est pas nécessaire d'aliéner ces valeurs mobilières ou autres éléments d'actif s'il peut être démontré à la satisfaction du surintendant que leur valeur ou leur qualité ne sont pas inférieures à celles des valeurs mobilières qu'ils remplacent.

Garantie supplémentaire

171 La compagnie inscrite peut accepter, outre la garantie exigée aux termes de la présente loi, des biens meubles ou immeubles à titre de sûretés accessoires affectées à la garantie de ses créances.

Division en plusieurs montants

172 Aux fins de déterminer si un prêt est permis aux termes de la présente loi, le prêt simple garanti par deux ou plusieurs biens ou catégories de biens qui, n'était le présent article, ne serait pas permis comme placement, peut être divisé en plusieurs montants et traité comme s'il constituait des prêts distincts se rapportant chacun à un bien ou à une catégorie de biens.

Création de fonds en fiducie collectifs permise

173 (1) Malgré la présente loi ou toute autre loi, la compagnie de fiducie provinciale inscrite et toute autre compagnie de fiducie inscrite ayant cette capacité peuvent, sauf disposition contraire contenue à l'acte de fiducie, placer des sommes d'argent qu'elle détient à titre de fiduciaire, à l'exception des dépôts, dans un ou plusieurs des fonds en fiducie collectifs de la compagnie. Si celle-ci détient ces sommes en qualité de cofiduciaire elle n'effectue ce placement qu'avec le consentement de ses cofiduciaires.

Exception

(2) Sont exclues du fonds en fiducie collectif visé au paragraphe (1) les sommes d'argent reliées à la fiducie créée uniquement aux fins de constituer un régime d'épargne enregistré aux termes de la *Loi de l'impôt sur le revenu* (Canada).

S.R.C. 1952, chap. 146

Idem

(3) No common trust fund shall be established or operated except in the prescribed manner.

Passing of accounts

(4) A trust corporation may, at any time, and shall, when required in writing by the Superintendent so to do under subsection (5), file and pass an account of its dealings with respect to a common trust fund in the surrogate court having jurisdiction in the place in which the fund is being administered, and the court, on the passing of the account, has, subject to this section, the same duties and powers as in the case of the passing of executors' accounts.

When account final

(5) An account filed with the Superintendent in accordance with the regulations, except so far as mistake or fraud is shown, is binding and conclusive upon all interested persons as to all matters shown in the account and as to the trust corporation's administration of the common trust fund for the period covered by the account, unless within six months after the date upon which the account is so filed, the Superintendent requires in writing that the account be filed and passed in the surrogate court.

Accounting only necessary under this section or regulations

(6) Notwithstanding any other Act or law, a trust corporation shall not be required to render an account of its dealings with a common trust fund except as provided in this section or the regulations.

Time and place for passing of account

(7) Upon the filing of an account under this section, the court shall fix a time and place for the passing of the account, and the trust corporation shall cause a written notice of the appointment and a copy of the account to be served upon the Superintendent at least fourteen days before the date fixed for the passing, and the trust corporation shall not be required to give any other notice of the appointment.

Form of account

(8) For the purposes of an accounting under this section, an account may be filed in the form of audited accounts filed with the Superintendent in accordance with the regulations.

Superintendent to represent persons having interest in fund

(9) Upon the passing of an account under this section, the Superintendent shall represent all persons having an interest in the funds invested in the common trust fund, but any such person has the right, at the person's own expense, to appear personally or to be separately represented.

Approval of court

(10) Where an account filed under this section has been approved by the surrogate court, the approval, except so far as mistake or fraud is shown, is binding and conclusive upon all interested persons as to all matters shown in the account and as to the trust corporation's administration of the common trust fund for the period covered by the account.

Idem

(3) La création et l'exploitation du fonds en fiducie collectif se font selon les modalités prescrites.

Approbation du compte

(4) Une compagnie de fiducie peut à tout moment déposer auprès du tribunal successoral du ressort de gestion du fonds en fiducie collectif le compte des opérations qui s'y rapportent et en obtenir l'approbation. Elle y est toutefois tenue si le surintendant l'exige par écrit en vertu du paragraphe (5). Sous réserve du présent article, les attributions du tribunal sont alors les mêmes que dans le cas de l'approbation des comptes de l'exécuteur testamentaire.

Compte définitif

(5) Sauf le cas de preuve d'erreur ou de fraude, le compte déposé auprès du surintendant conformément aux règlements est concluant et lie toutes les parties intéressées quant à son contenu et à la gestion par la compagnie du fonds en fiducie collectif pour la période qui y est précisée, à moins que le surintendant n'exige par écrit, dans les six mois du dépôt de ce compte, que celui-ci soit déposé devant le tribunal successoral pour approbation.

Reddition de comptes conforme au présent article et aux règlements : la seule nécessaire

(6) Malgré toute autre loi ou règle de droit, la compagnie de fiducie ne peut pas être tenue de rendre compte de ses opérations reliées au fonds en fiducie collectif autrement qu'aux termes du présent article et des règlements.

Date et lieu de l'approbation du compte

(7) Lors du dépôt d'un compte aux termes du présent article, le tribunal fixe la date, l'heure et le lieu de l'approbation. La compagnie de fiducie fait signifier au surintendant, au moins quatorze jours avant la date ainsi fixée, un avis écrit de la convocation accompagné d'une copie du compte. La compagnie ne peut pas être tenue de donner d'autre avis de la convocation.

Forme que revêt le compte

(8) Aux fins de l'approbation du compte aux termes du présent article, le compte déposé peut revêtir la forme des comptes vérifiés déposés auprès du surintendant conformément aux règlements.

Le surintendant représente les personnes qui y ont un droit

(9) Lors de l'approbation d'un compte aux termes du présent article, le surintendant représente l'ensemble des titulaires de droits sur les sommes d'argent placées dans le fonds en fiducie collectif. Ces titulaires ont toutefois le droit, à leurs frais, de comparaître en personne ou de se faire représenter par un mandataire.

Approbation du tribunal

(10) Sauf le cas de preuve d'erreur ou de fraude, si le compte déposé aux termes du présent article a reçu l'approbation du tribunal successoral, cette approbation est concluante et lie toutes les parties intéressées quant à son contenu et quant à la gestion par la compagnie du fonds en fiducie collectif pour la période qui y est précisée.

Costs

(11) The costs of passing an account under this section shall be charged to principal and income of the common trust fund in such proportions as the surrogate court considers proper.

Mutual funds

174. No registered trust corporation or subsidiary of a registered trust corporation shall promote or operate a mutual fund within the meaning of the *Securities Act* unless the corporation or subsidiary gives notice to the Superintendent at least thirty days before starting to promote or operate the mutual fund and provides such information respecting the mutual fund as the Superintendent may require.

R.S.O. 1980, c. 466

Extent of liability and powers

175.—(1) The liability of a registered trust corporation to persons interested in an estate held by the trust corporation as executor, administrator, trustee, receiver, liquidator, assignee, guardian or committee is the same as if the estate had been held by a private person in the like capacity, and the corporation's powers are the same.

Approval of the corporation as executor, etc.

(2) Where a registered trust corporation is authorized to execute the office of executor, administrator, trustee, receiver, liquidator, assignee, guardian or committee, and the Lieutenant Governor in Council approves of the corporation being accepted as a trust corporation for the purposes of the Supreme Court, every court or judge having authority to appoint such an officer may, with the consent of the corporation, appoint the corporation to exercise any of such offices in respect of any estate or person under the authority of such court or judge, or may grant to the corporation probate of any will in which the corporation is named as an executor.

Appointment as trustee

(3) A registered trust corporation approved by the Lieutenant Governor in Council under subsection (2),

(a) may be appointed to be a sole trustee, notwithstanding that but for this Act it would be necessary to appoint more than one trustee; and

(b) may be appointed to any of the offices mentioned in subsection (2) jointly with another person,

and the appointment may be made whether the trustee is required under a deed, will or document creating a trust or whether the appointment is under the *Trustee Act* or otherwise.

R.S.O.1980, c. 512

Security not required

(4) Notwithstanding any rule, practice or statutory provision, it is not necessary for a trust corporation approved under

Frais

(11) Les frais de l'approbation d'un compte aux termes du présent article sont imputés à la fois au principal et aux revenus du fonds en fiducie collectif dans la proportion jugée convenable par le tribunal successoral.

Fonds mutuels

L.R.O. 1980, chap. 466

174 Ni la compagnie de fiducie inscrite, ni sa filiale, ne doivent assurer la promotion ou l'exploitation d'un fonds mutuel au sens de la *Loi sur les valeurs mobilières*, à moins d'en donner avis au surintendant au moins trente jours avant de commencer à assurer la promotion ou l'exploitation du fonds mutuel, et de fournir au surintendant les renseignements au sujet du fonds qu'il peut exiger.

Étendue des obligations et pouvoirs

175 (1) Les obligations de la compagnie de fiducie inscrite, en sa qualité d'exécuteur testamentaire, d'administrateur successoral, de fiduciaire, de séquestre, de liquidateur, de cessionnaire, de tuteur ou de curateur, envers les personnes qui ont un droit sur la succession ou sur les biens visés, selon le cas, sont identiques à celles du particulier qui a reçu le même mandat. Il en est de même des pouvoirs de la compagnie à cet égard.

Agrément de la compagnie à titre d'exécuteur testamentaire, etc.

(2) Le tribunal ou le juge fondé à désigner un exécuteur testamentaire, un administrateur successoral, un fiduciaire, un séquestre, un liquidateur, un cessionnaire, un tuteur ou un curateur peut, avec le consentement de la compagnie de fiducie inscrite qui est autorisée à agir en cette qualité et qui a été agréée par le lieutenant-gouverneur en conseil à cet égard pour les fins de la Cour suprême, confier à cette compagnie les fonctions précitées à l'égard de la succession ou de la personne qui relève de la compétence de ce tribunal ou de ce juge. Le tribunal ou le juge peut aussi lui délivrer, en sa qualité d'exécuteur testamentaire visé au testament, les lettres d'homologation du testament.

Nomination à titre de fiduciaire

(3) La compagnie de fiducie inscrite agréée par le lieutenant-gouverneur en conseil aux termes du paragraphe (2), peut être nommée :

a) fiduciaire unique quoiqu'il eût été nécessaire, n'eût été la présente loi, de désigner plus d'un fiduciaire;

b) à n'importe laquelle des fonctions visées au paragraphe (2) en commun avec une autre personne.

Elle peut être nommée à ces titres, que la nomination soit exigée aux termes d'un acte, d'un testament ou d'un autre écrit qui crée une fiducie ou qu'elle soit faite en vertu de la *Loi sur les fiduciaires* ou autrement.

L.R.O. 1980, chap. 512

Cautionnement non nécessaire

(4) Malgré toute règle, pratique ou disposition d'une loi, la compagnie de fiducie agréée en vertu du paragraphe (2) n'est

subsection (2) to give any security for the due performance of its duty as executor, administrator, trustee, receiver, liquidator, assignee, guardian or committee unless so ordered by a court.

Trusts

176.—(1) A registered corporation is not bound to see to the execution of any trust, whether express, implied or constructive, other than a trust to which the corporation is a party, to which any of its deposits are subject.

Sufficient discharge

(2) The receipt of the person in whose name any deposit stands in the books of the corporation to which subsection (1) applies is a sufficient discharge to the corporation for any payment made in respect thereof, and a direction to transfer, signed by the person in whose name any such deposit stands in the books of the corporation, is sufficient authority to the corporation for any transfer made in respect thereof, notwithstanding any trust to which the same may then be subject and whether the corporation has or has not had notice of the trust.

Application of money paid

(3) A corporation is not bound to see to the application of any money paid upon a receipt under subsection (2).

PART XI

ADMINISTRATION

Appointment of Superintendent

177.—(1) The Lieutenant Governor in Council shall appoint an officer of the Ministry to be the Superintendent of Deposit Institutions who shall carry out the duties and exercise the powers of the Superintendent under this Act.

Appointment of Director

(2) The Superintendent may appoint an officer of the Ministry to be the Director to carry out the duties and exercise the powers of the Director under this Act.

Appeal panels

178.—(1) When an appeal is requested under this Act, the Minister shall appoint a panel to hear the appeal.

Composition

(2) An appeal panel shall consist of two persons who are not public servants and the Superintendent.

Secretary

(3) The Superintendent shall act as secretary of every appeal panel.

Chairman

(4) In appointing an appeal panel, the Minister shall name one of the persons who is not a public servant to be the chairman of the panel.

pas tenue de fournir de cautionnement en garantie de l'exécution de ses obligations d'exécuteur testamentaire, d'administrateur successoral, de fiduciaire, de séquestre, de liquidateur, de cessionnaire, de tuteur ou de curateur, sauf ordonnance contraire du tribunal.

Fiducies

176 (1) La compagnie inscrite n'est pas tenue de voir à l'exécution d'une fiducie explicite, implicite ou imputée à laquelle ses dépôts sont assujettis, à moins d'être elle-même partie à la fiducie.

Quittance suffisante

(2) Le récépissé délivré par la personne dont le nom figure vis-à-vis d'un dépôt aux dossiers de la compagnie visé au paragraphe (1) constitue à l'égard de la compagnie une quittance suffisante de tout paiement effectué relativement à ce dépôt. L'ordre d'effectuer un transfert, signé de la personne précitée, constitue pour la compagnie une autorisation suffisante à cette fin, sans égard à la fiducie à laquelle le dépôt peut alors être assujetti, que l'existence de la fiducie ait été portée ou non à la connaissance de la compagnie.

Imputation des sommes versées

(3) La compagnie n'est pas tenue de voir à l'imputation des sommes d'argent à l'origine du récépissé délivré aux termes du paragraphe (2).

PARTIE XI

APPLICATION DE LA LOI

Nomination du surintendant

177 (1) Le lieutenant-gouverneur en conseil nomme un fonctionnaire du ministère au poste de surintendant des institutions de dépôt, qui exerce les attributions du surintendant aux termes de la présente loi.

Nomination du directeur

(2) Le surintendant peut nommer un fonctionnaire du ministère au poste de directeur pour exercer les attributions du directeur aux termes de la présente loi.

Comités d'appel

178 (1) Lorsqu'il est interjeté appel aux termes de la présente loi, le ministre nomme les membres d'un comité chargé d'entendre l'appel.

Composition

(2) Le comité d'appel se compose de deux personnes qui ne sont pas fonctionnaires, ainsi que du surintendant.

Secrétaire

(3) Le surintendant remplit les fonctions de secrétaire des comités d'appel.

Président

(4) Lorsqu'il constitue un comité d'appel, le ministre désigne au poste de président l'une des personnes qui n'est pas fonctionnaire.

Idem

(5) No individual shall be disqualified from acting as a member of an appeal panel solely on the grounds that he or she is a depositor in the corporation which is the subject of the proceedings before the panel.

Remuneration

(6) The members of an appeal panel, other than the Superintendent, shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time may determine.

Protection from personal liability

(7) No action or other proceeding for damages shall be instituted against any member of an appeal panel for any act done in good faith in the execution or intended execution of the person's duty or for any alleged neglect or default in the execution in good faith of the person's duty.

No grants or gratuities to Ministry officials

179.—(1) No officer or employee of the Ministry performing duties or exercising powers under this Act shall accept or receive, directly or indirectly, any grant or gratuity from a corporation or any affiliate of a corporation or from any director, officer, employee or agent of a corporation or affiliate of a corporation and no corporation, director, officer, employee or agent of a corporation or any affiliate of a corporation shall make or give, directly or indirectly, any such grant or gratuity.

Interest as shareholder

(2) No officer or employee of the Ministry performing duties or exercising powers under this Act shall hold any shares of any corporation.

Capacity outside Ontario

180. The Superintendent and Director may, for the purposes of the administration and enforcement of this Act and the regulations, act outside Ontario as if they were acting inside Ontario.

Records

181.—(1) Records required by this Act to be prepared and maintained by the Superintendent or Director may be in bound or loose-leaf form or in photographic film form, or may be entered or recorded by any system of mechanical or electronic data processing or by any other information storage device that is capable of reproducing any required information in an accurate and intelligible form within a reasonable time.

Admission as evidence

(2) When records maintained by the Superintendent or Director are prepared and maintained other than in written form,

(a) the Superintendent or Director, as the case may be, shall furnish any copy required to be furnished in intelligible written form; and

Idem

(5) Une personne n'est pas inhabile à devenir membre d'un comité d'appel pour le seul motif qu'elle est déposante auprès de la compagnie qui fait l'objet de l'instance portée devant ce comité.

Rémunération

(6) Les membres d'un comité d'appel, à l'exception du surintendant, reçoivent la rémunération et les indemnités que peut fixer le lieutenant-gouverneur en conseil.

Immunité

(7) Sont irrecevables les actions ou autres instances en dommages-intérêts intentées contre un membre d'un comité d'appel pour un acte accompli de bonne foi dans l'exercice ou l'exercice prévu de ses fonctions ou pour une négligence ou un défaut imputé dans l'exercice de bonne foi de ses fonctions.

Dons et gratifications prohibés

179 (1) Aucun employé du ministère qui exerce des attributions aux termes de la présente loi ne doit accepter ni recevoir directement ou indirectement, d'une compagnie, d'un membre du même groupe, de l'administrateur, du dirigeant, de l'employé ou du mandataire d'une compagnie ou du membre du même groupe, quelque don ou gratification. De même, aucune compagnie ni aucun administrateur, dirigeant, employé, ou mandataire de la compagnie ou du membre du même groupe ne doit pas donner, directement ou indirectement, un don ou une gratification pareils.

Intérêt en tant qu'actionnaire

(2) Ne doit pas être actionnaire d'une compagnie l'employé du ministère qui exerce des attributions aux termes de la présente loi.

Compétence en dehors de l'Ontario

180 Pour l'application et l'exécution de la présente loi et des règlements, le surintendant et le directeur peuvent exercer leur compétence en dehors de l'Ontario comme s'ils agissaient à l'intérieur de cette province.

Dossiers

181 (1) Les dossiers dont la présente loi requiert la tenue par le surintendant ou le directeur peuvent être conservés, soit sous forme de livres reliés ou à feuilles mobiles, soit sous forme de pellicules photographiques, ou peuvent être enregistrés à l'aide d'un procédé mécanique ou électronique de traitement des données ou d'un autre système de mise en mémoire de l'information, capable de reproduire dans un délai normal sous une forme compréhensible et précise les renseignements exigés.

Admissibilité en preuve

(2) Si les dossiers tenus par le surintendant ou le directeur ne sont pas conservés par écrit :

a) le surintendant ou le directeur, selon le cas, fournit sous une forme écrite compréhensible les copies exigées;

(b) a report reproduced from those records, if it is certified by the Superintendent or Director, is, without proof of the office or signature thereof, admissible in evidence to the same extent as the original written records would have been.

Idem

(3) Neither the Superintendent nor the Director shall be required to produce any document where a copy of the document is furnished in compliance with clause (2) (a).

Power to require evidence

182.—(1) In pursuance of his or her duties under this Act, the Superintendent or Director may require to be made or may take and receive affidavits or depositions and may examine witnesses upon oath.

Employment of stenographer

(2) The evidence and proceedings in any matter before the Superintendent or Director may be reported by a stenographer who has taken an oath before the Superintendent or Director faithfully to report the same.

Examinations, audits and inspections, general

183.—(1) It is a condition of the registration of a corporation that it facilitate examinations, audits and inspections under this Act.

Material to be furnished

(2) For the purpose of an examination, audit or inspection under this Act, the registered corporation and its subsidiaries shall prepare and submit to the person conducting the examination, audit or inspection such statements or returns with respect to its business, finances or other affairs, in addition to the statements or returns mentioned in this Act, as the Superintendent or Director may require, and the officers, agents and servants of the corporation and its subsidiaries shall cause their books to be open for inspection and shall otherwise facilitate such examination so far as it is in their power.

Production of books

(3) In order to facilitate an examination, audit or inspection of the books and records of a registered corporation, the corporation and its subsidiaries may be required by the Superintendent or the Director to produce the books and records at the principal place of business of the corporation in Ontario, or at such other convenient place as the Superintendent or Director may direct.

Expense of further inspection

(4) On the direction of the Superintendent or Director, where an examination, audit or inspection of a corporation or a subsidiary of a corporation is made at an office situate outside Ontario, the corporation shall pay the costs and expenses in connection with such examination, audit or inspection.

b) le rapport dressé d'après ces dossiers et certifié par le surintendant ou le directeur est admissible en preuve dans la même mesure que les dossiers écrits originaux l'auraient été, sans qu'il soit nécessaire d'établir la qualité du signataire ou l'authenticité de sa signature.

Idem

(3) Le surintendant et le directeur ne sont pas tenus de produire le document dont une copie est fournie conformément à l'alinéa (2) a).

Pouvoir d'exiger une preuve

182 (1) Dans l'exercice de leurs fonctions aux termes de la présente loi, le surintendant ou le directeur peuvent exiger et recevoir des affidavits, entendre et recevoir des dépositions et interroger des témoins sous serment.

Services de sténographes

(2) Les témoignages et comptes rendus relatifs aux affaires instruites devant le surintendant ou le directeur peuvent être transcrits par le sténographe qui a fait serment devant ceux-ci de les transcrire fidèlement.

Examens, vérifications et inspections

183 (1) Comme condition de son inscription, la compagnie facilite l'examen, la vérification et l'inspection exigés aux termes de la présente loi.

Documents à produire

(2) Aux fins de l'examen, de la vérification ou de l'inspection exigés aux termes de la présente loi, la compagnie inscrite et ses filiales dressent et présentent à la personne chargée de ces opérations des relevés et rapports relatifs aux activités commerciales, aux finances ou autres affaires de celle-ci, en plus de ceux mentionnés à la présente loi, selon ce qu'exigent le surintendant ou le directeur. Les dirigeants, mandataires et préposés de la compagnie et de ses filiales permettent l'inspection des livres comptables et facilitent l'examen dans la mesure de leurs moyens.

Production des livres comptables

(3) Dans le but de faciliter l'examen, la vérification ou l'inspection des livres comptables et des dossiers de la compagnie inscrite et de ses filiales, le surintendant ou le directeur peuvent exiger la production de ces documents à l'établissement principal de la compagnie en Ontario ou à un autre endroit convenable fixé par ceux-ci.

Frais de l'inspection supplémentaire

(4) L'examen, la vérification ou l'inspection tenus à un bureau situé hors de l'Ontario s'effectuent aux frais de la compagnie ou de sa filiale si le surintendant ou le directeur l'ordonnent.

Annual inspection of registered corporations

184.—(1) Once each year or during such other period as the Superintendent may consider appropriate for a particular corporation, the Superintendent shall examine or cause a person acting under his or her direction to examine the statements of the condition and affairs of each registered corporation and the Superintendent or person shall make such inquiries as are necessary to ascertain the corporation's condition and ability to meet its obligations as and when they become due, whether the corporation is following sound business and financial practices, the procedures and standards of its management and whether or not the corporation has complied with this Act and the regulations and any requirement, order, term, condition or restriction of registration or inquiry made thereunder.

Idem

(2) In conducting the examination required by subsection (1), the Superintendent or other person shall attend at the principal place of business of the corporation and, if he or she considers it necessary, the Superintendent or person acting may visit any branch or office of the corporation.

Reliance on inspection by another government

(3) If the Superintendent is satisfied that an examination of a registered extra-provincial corporation conducted by the Government of Canada or of any province or territory of Canada complies with the standards required by the Superintendent for the examination of a corporation under subsection (1), the Superintendent may accept such examination, in whole or in part, as if it were an examination by the Superintendent under subsection (1).

Examination by Director

185. The Director, or any person designated by the Director, may at any time within business hours examine any books of or in the possession of a registered corporation or any of its subsidiaries relating to its business, wherever situate, and vouchers, securities and documents of a registered corporation.

Special examination

186.—(1) The Minister, on the Minister's own motion or upon an application by any interested party being made in writing, may appoint any person to make a special examination and audit of a registered corporation's books, accounts and securities, and to inquire generally into the conduct of its business.

Evidence upon which inquiry to be ordered

(2) An application under subsection (1) shall be supported by such evidence as the Minister may require for the purpose of showing that there is good reason for requiring the investigation to be made and that it is not prompted by malicious motives.

Inspection annuelle auprès des compagnies inscrites

184 (1) Une fois l'an ou à l'autre intervalle que le surintendant juge approprié relativement à une compagnie donnée, le surintendant effectue l'examen des états relatifs à la situation et aux affaires de chacune des compagnies inscrites, ou le fait effectuer par son délégué. L'un d'eux mène alors l'enquête nécessaire afin de vérifier la situation de la compagnie et sa capacité de faire honneur à ses obligations au fur et à mesure de leur échéance. Il examine aussi les normes et procédés suivis par la direction et s'assure que la compagnie a suivi de saines pratiques commerciales et financières et a observé la présente loi et les règlements ainsi que les exigences, ordonnances, conditions et restrictions imposées, en vertu de ceux-ci, à l'inscription ou à la suite d'une enquête.

Idem

(2) Lors de l'examen visé au paragraphe (1), le surintendant ou son délégué se rend à l'établissement principal de la compagnie. Il peut également, s'il le juge à propos, se présenter à toute succursale ou bureau de la compagnie.

Inspection effectuée par un autre gouvernement

(3) Si le surintendant est convaincu que l'examen effectué par le gouvernement du Canada, d'une province ou d'un territoire du Canada auprès d'une compagnie extraprovinciale inscrite est conforme aux normes qu'il observerait relativement à l'examen effectué aux termes du paragraphe (1), il peut l'adopter, en totalité ou en partie, comme s'il l'avait effectué lui-même aux termes du paragraphe (1).

Examen par le directeur

185 Le directeur ou son délégué peut, durant les heures de bureau, faire l'examen des livres comptables de la compagnie inscrite ou de sa filiale qui sont reliés à ses activités commerciales où qu'elles s'exercent, et des livres comptables qui se trouvent en la possession de celles-ci, ainsi que de ses pièces comptables, valeurs mobilières et documents.

Examen particulier

186 (1) Le ministre peut, de sa propre initiative ou sur demande écrite d'un intéressé, nommer une personne pour procéder à la vérification et à l'examen particuliers des livres comptables de la compagnie inscrite ainsi que de ses comptes et valeurs mobilières et pour faire enquête d'une manière générale sur la conduite de ses affaires.

Éléments de preuve à l'appui de l'enquête

(2) La demande présentée en vertu du paragraphe (1) se fonde sur les éléments de preuve que peut exiger le ministre afin d'établir la nécessité de tenir l'enquête et de s'assurer que la demande ne s'inspire pas de motifs malveillants.

Security for costs

(3) The Minister may require an applicant under subsection (1) to give security for the payment of the costs of the inquiry to be given before appointing the special examiner.

Powers of examiner

(4) A special examiner may summon witnesses and take evidence under oath, and generally, for the purposes of such examination, audit and inquiry, has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies as if the examination, audit or inquiry were an inquiry under that Act.

R.S.O. 1980, c. 411

Report to Minister

(5) Upon the conclusion of the examination, audit and inquiry, the special examiner shall make a report in writing to the Minister.

Payment of costs

(6) The Minister may, on the conclusion of an examination under this section, order the registered corporation or the party requesting the examination under subsection (1) to pay costs of such examination.

Inquiries by Superintendent

187.—(1) The Superintendent or Director may address any inquiries to a registered corporation or to the president, secretary or any other officer thereof and, in the case of an extra-provincial corporation, also to its agent under section 32, for the purpose of ascertaining the corporation's condition and ability to meet its obligations or as to the conduct of its business or as to complaints made by depositors, borrowers or by persons for whom the registered corporation acts in a fiduciary capacity and it is the duty of a registered corporation or officer so addressed to reply promptly in writing to any such inquiry.

Notice to directors

(2) The Superintendent or Director may require a registered corporation to forward a copy of any letter addressed to the registered corporation by the Superintendent or Director and any answer thereto to each director of the corporation and, upon such requirement being made, the secretary of the corporation shall include a copy of such letter and the answer thereto in the minutes of the meeting of the directors next following the requirement being made by the Superintendent or Director.

Extension of time

188. Where under this Act a registered corporation is required to provide or file with the Superintendent any return or document or other information, the Superintendent, in his or her absolute discretion and upon payment by the corporation of the prescribed fee, may, before or after the last day for making the submission, extend the time therefor for such period not exceeding sixty days as he or she considers appropriate.

Cautionnement pour les frais

(3) Avant de désigner un enquêteur, le ministre peut exiger que l'auteur d'une demande présentée en vertu du paragraphe (1) fournisse un cautionnement pour les frais de l'enquête.

Attributions de l'enquêteur

L.R.O. 1980, chap. 411

(4) L'enquêteur peut assigner des témoins à comparaître, recueillir des témoignages sous serment, et, de façon générale, pour les fins de l'examen, de la vérification et de l'enquête, exerce les pouvoirs d'une commission aux termes de la partie II de la *Loi sur les enquêtes publiques*. Cette partie s'applique comme s'il s'agissait d'une enquête tenue en vertu de cette loi.

Rapport au ministre

(5) Au terme de l'examen, de la vérification et de l'enquête, l'enquêteur présente au ministre son rapport écrit.

Acquittement des frais

(6) Le ministre peut, une fois terminé l'examen mené en vertu du présent article, enjoindre à la compagnie inscrite ou à la personne qui en a fait la demande aux termes du paragraphe (1) d'en acquitter les frais.

Demande de renseignements par le surintendant

187 (1) Le surintendant ou le directeur peuvent adresser une demande de renseignements à la compagnie inscrite ou à son président, son secrétaire ou un autre de ses dirigeants et, dans le cas de la compagnie extraprovinciale, également à son mandataire visé à l'article 32. Cette demande peut se faire afin de vérifier la situation de la compagnie, sa capacité de faire honneur à ses obligations ou la conduite de ses affaires, ou peut porter sur les plaintes formulées par les déposants, les emprunteurs et les personnes qu'elle représente en qualité de fiduciaire. Il incombe à la compagnie inscrite ou au dirigeant visé de répondre promptement par écrit à la demande.

Avis aux administrateurs

(2) Le surintendant ou le directeur peuvent exiger que la compagnie inscrite fasse parvenir à chacun de ses administrateurs une copie de chacune des lettres qu'ils lui ont adressées ainsi que de la réponse donnée, le cas échéant. Dans ce cas, le secrétaire de la compagnie annexe ces documents au procès-verbal de la réunion du conseil d'administration qui suit immédiatement la réception de la demande du surintendant ou du directeur.

Prorogation du délai

188 Le surintendant peut, à son entière discrétion et moyennant le paiement par la compagnie inscrite des droits prescrits, avant ou après la date limite, proroger pour une période qu'il juge appropriée et qui ne dépasse pas soixante jours le délai fixé pour le dépôt par la compagnie inscrite des rapports, documents ou autres renseignements exigés aux termes de la présente loi.

Notice as proof

189.—(1) A notice published in *The Ontario Gazette* over the name of the Superintendent is, without further proof, *prima facie* proof of the facts set forth in the notice.

Certificate as to registration

(2) A certificate of the Superintendent that on a stated day a body corporate mentioned therein was or was not registered or was registered subject to terms, conditions or restrictions, or that the registration of a corporation was revoked on a stated day, is *prima facie* proof of the facts stated in the certificate.

Certified copies

(3) Copies of, or extracts from, any book, record, instrument or document in the office of the Superintendent or of or from any instrument or document issued under this Act, if certified by the Superintendent to be true copies or extracts, shall be held as authentic and are *prima facie* proof of and have the same legal effect as the original.

Agreements with other Governments

190. The Minister, with the approval of the Lieutenant Governor in Council, may enter into agreements with the Government of Canada or of any province or territory in Canada, or the appropriate authority thereof, related to the administration and enforcement of this Act or of comparable legislation of any such other jurisdiction and, without restricting the generality of the foregoing, any such agreement may provide for the provision and exchange of information.

Capacity of Superintendent

191.—(1) The Superintendent may do all things necessary or incidental to the administration and enforcement of this Act and the regulations and, in particular, but without limiting the generality of the foregoing, may,

(a) receive written undertakings from corporations and enter into written agreements with corporations; and

(b) enter into written agreements with third parties related to the administration of this Act and the regulations and give indemnities to third parties related to such activities as are authorized under such agreements.

Annual report

(2) The Superintendent shall, not later than the 31st day of August in each year, submit to the Minister a report on the activities of the Superintendent's office for the twelve-month period ending on the preceding 31st day of March and the Minister shall then lay the report before the Assembly if it is in session or, if not, at its next session.

L'avis fait foi

189 (1) L'avis publié dans la *Gazette de l'Ontario* et sur lequel figure le nom du surintendant fait foi *prima facie* de son contenu sans qu'une autre preuve soit nécessaire.

Certificat d'inscription

(2) Fait foi *prima facie* de son contenu, le certificat du surintendant précisant qu'à une date donnée, la personne morale qui y est mentionnée était inscrite ou non, que son inscription était subordonnée à certaines conditions et restrictions ou a été révoquée.

Copies certifiées conformes

(3) Les copies ou extraits certifiés conformes par le surintendant et tirés de livres comptables, de dossiers, d'actes ou de documents conservés à son bureau de même que d'actes ou de documents délivrés aux termes de la présente loi sont tenus pour authentiques, font preuve *prima facie* de l'original et produisent les mêmes effets juridiques.

Accords conclus avec d'autres gouvernements

190 Le ministre peut, avec l'approbation du lieutenant-gouverneur en conseil, conclure des accords avec le gouvernement du Canada, d'une province ou d'un territoire du Canada ou avec l'organisme qui les représente, concernant l'application et l'exécution de la présente loi ou de la loi correspondante de l'autre compétence visée. Ces accords peuvent prévoir notamment que des renseignements seront fournis et échangés.

Pouvoirs du surintendant

191 (1) Le surintendant peut prendre toute mesure essentielle ou accessoire relative à l'application et à l'exécution de la présente loi et des règlements, et notamment :

a) accepter des engagements écrits souscrits de la part de compagnies et conclure avec elles des conventions écrites;

b) conclure avec des tiers des conventions écrites reliées à l'application de la présente loi et des règlements, et leur accorder des garanties d'indemnité relatives aux activités permises aux termes de ces conventions.

Rapport annuel

(2) Le surintendant présente au ministre, au plus tard le 31 août de chaque année, un rapport concernant les activités du bureau du surintendant pour la période de douze mois se terminant le 31 mars précédent. Le ministre présente alors le rapport à l'Assemblée si celle-ci siège, sinon, au cours de la session suivante.

PART XII

ENFORCEMENT AND CIVIL REMEDIES

Director's orders

192.—(1) Where, in the opinion of the Director, a registered corporation or other person is committing any act or pursuing any course of conduct that,

(a) does not comply with this Act or the regulations;

(b) might reasonably be expected, if continued, to result in a state of affairs that would not be in compliance with this Act or the regulations;

(c) does not comply with a voluntary compliance program under section 198;

(d) does not comply with any undertaking given under this Act;

(e) constitutes a practice which might prejudice or adversely affect the interests of depositors or, if the corporation is a trust corporation, of persons for whom the corporation acts in a fiduciary capacity,

the Director may give notice to the registered corporation or other person of an intention to order the corporation or other person,

(f) to cease doing any act or to cease pursuing any course of conduct identified by the Director; or

(g) to perform such acts as in the opinion of the Director are necessary to remedy the situation.

Hearing

(2) The corporation or other person, by written notice served on the Director within fifteen days after the service of the notice on the corporation or other person under subsection (1), may require a hearing before the Director.

Temporary order

(3) Notwithstanding subsection (2), where in the opinion of the Director the interests of the depositors or the public may be prejudiced or adversely affected by any delay in the issuance of a permanent order, the Director may make a temporary order as described in clause (1) (f) or (g) which shall take effect immediately on its making and which shall become permanent on the fifteenth day after its making unless within that time a hearing before the Director is requested.

PARTIE XII

EXÉCUTION ET RECOURS DE NATURE CIVILE

Décision

192 (1) Lorsque, de l'avis du directeur, une compagnie inscrite ou une autre personne commet un acte ou suit une ligne de conduite :

a) qui ne sont pas conformes à la présente loi ou aux règlements;

b) dont la poursuite risque vraisemblablement de créer une situation qui ne soit pas conforme à la présente loi ou aux règlements;

c) qui ne sont pas conformes à un programme d'adhésion volontaire visé à l'article 198;

d) qui ne sont pas conformes à un engagement pris aux termes de la présente loi;

e) qui risquent de léser les droits des déposants ou, dans le cas d'une compagnie de fiducie, des personnes qu'elle représente à titre de fiduciaire,

celui-ci peut envoyer à la compagnie inscrite ou à l'autre personne un avis de son intention de prendre une ordonnance lui enjoignant :

f) de mettre fin aux actes ou à la ligne de conduite que le directeur précise;

g) de prendre les mesures qui, de l'avis du directeur, s'imposent afin de remédier à la situation.

Audience

(2) La compagnie ou l'autre personne peut, au moyen d'un avis écrit signifié au directeur dans les quinze jours de la signification de l'avis visé au paragraphe (1), exiger la tenue d'une audience devant le directeur.

Ordonnance provisoire

(3) Malgré le paragraphe (2), dans le cas où, de l'avis du directeur, tout retard apporté à la prise de l'ordonnance permanente risque de porter atteinte aux droits des déposants ou du public, le directeur peut prendre une ordonnance provisoire en vertu des alinéas (1) f) ou g). L'ordonnance prend effet dès qu'elle est prise et devient permanente le quinzième jour suivant, sauf si une demande d'audience devant le directeur est présentée au cours de ce délai.

When order may be made

(4) Where no hearing is requested within the time set out in subsection (2) or (3), or where a hearing is held and the Director is of the opinion that an order described in clause (1) (f) or (g) should be made, the Director may make a permanent order under either of those clauses which shall take effect immediately on its making or at such later date as may be set out in the order.

Hearing

(5) A request for a hearing under subsection (3) shall be in writing and served on the Director.

Extension of order

(6) Where a hearing is requested under subsection (3), the Director may extend the temporary order until the hearing is concluded or any appeal from the hearing is concluded and the order is confirmed, varied or revoked.

Copy to directors

(7) Where an order is made under this section, a copy of the order shall be sent to each director of the affected corporation.

Modification or revocation

(8) The Director, after giving the corporation or other person named in the order an opportunity to be heard, may modify or revoke an order made under this section.

Appeals

193.—(1) A party to a hearing before the Director, within fifteen days after the receipt of the Director's decision, may appeal the decision to an appeal panel by serving a notice in writing of the appeal on the Superintendent who shall advise the Minister forthwith of the request.

Idem

(2) An appeal shall be based on such evidence as may be presented to the appeal panel, and the panel, upon hearing an appeal, may confirm, vary or revoke the order that is the subject of the appeal.

Superintendent approvals

194.—(1) Where under this Act there is provision for an approval or consent of the Superintendent, he or she may give or refuse the approval or consent and the approval or consent may be subject to such terms and conditions as the Superintendent may impose.

Final decision

(2) A decision by the Superintendent under this Act shall be in writing and is not subject to appeal to an appeal panel.

Hearing

(3) Before refusing an approval or consent or before granting an approval or consent subject to terms and conditions, the Superintendent shall give the registered corporation notice of his or her intention and the registered corporation may require a hearing before the Superintendent.

Moment de rendre la décision

(4) Le directeur peut prendre une ordonnance permanente en vertu des alinéas (1) f) ou g), s'il n'est pas demandé d'audience dans le délai imparti au paragraphe (2) ou (3), ou si cette audience se tient et que le directeur est d'avis qu'il faut prendre cette ordonnance. L'ordonnance prend effet dès qu'elle est prise ou à la date ultérieure qui y est précisée.

Audience

(5) La demande d'audience faite en vertu du paragraphe (3) est présentée par écrit et signifiée au directeur.

Prolongation des effets de l'ordonnance

(6) Le directeur peut, lorsqu'une audience est demandée aux termes du paragraphe (3), prolonger les effets de l'ordonnance provisoire tant que l'audition n'est pas terminée ou qu'une décision pour confirmer, modifier ou révoquer l'ordonnance n'a pas été rendue en appel.

Copies aux administrateurs

(7) Une copie de l'ordonnance prise aux termes du présent article est envoyée à chacun des administrateurs de la compagnie visée.

Modification ou révocation

(8) Après avoir donné à la compagnie ou à l'autre personne l'occasion de se faire entendre, le directeur peut modifier ou révoquer l'ordonnance prise aux termes du présent article.

Appels

193 (1) Une partie à l'audience tenue devant le directeur peut, dans les quinze jours de la réception de la décision du directeur, en interjeter appel devant un comité d'appel en signifiant au surintendant un avis écrit d'appel. Celui-ci en notifie le ministre sans délai.

Idem

(2) L'appel est fondé sur la preuve présentée au comité d'appel. Ce dernier peut ensuite confirmer, modifier ou révoquer l'ordonnance qui en fait l'objet.

Approbation, etc., par le surintendant

194 (1) Dans les cas prévus par la présente loi, le surintendant peut refuser ou accorder son consentement ou son approbation, qui peuvent alors être assortis des conditions qu'il impose.

Décision définitive

(2) La décision rendue par le surintendant aux termes de la présente loi est présentée par écrit et ne peut faire l'objet d'un appel devant un comité d'appel.

Audience

(3) Avant de refuser ou d'accorder son consentement ou son approbation, et avant de les accorder assortis de conditions, le surintendant avise la compagnie inscrite de son intention. Elle peut exiger la tenue d'une audience devant le surintendant.

Power of Superintendent

(4) The Superintendent, having given the registered corporation an opportunity to be heard, may confirm, revoke or vary any approval, consent or refusal.

Restriction on borrowing

(5) The Superintendent, having given a registered corporation an opportunity to be heard, may reduce to any amount the amount that it may receive by way of deposit or borrow in the case of a trust corporation or that it may borrow, in the case of a loan corporation and the amount may be an amount that is less than ten times its capital base.

Director may be party

195. The Director is entitled to attend and to be represented by counsel at any hearing before an appeal panel.

Transcript

196. Oral evidence taken before the Director, the Superintendent or an appeal panel may be recorded and, if recorded, copies of a transcript thereof shall be furnished upon request upon the same terms and for the same fees as in the Supreme Court.

Hearings *in camera*

197. A hearing before the Director, the Superintendent or an appeal panel, at the discretion of the Director, the Superintendent or the chairman of the panel, as the case may be, may be heard *in camera* or in public.

Voluntary compliance program

198.—(1) Where, in the opinion of the Superintendent, a registered corporation or other person is committing any act or pursuing any course of conduct that,

(a) does not comply with this Act or the regulations;

(b) might reasonably be expected, if continued, to result in a state of affairs that would not be in compliance with this Act or the regulations;

(c) does not comply with any undertaking given under this Act; or

(d) constitutes a practice that might prejudice or adversely affect the interests of depositors or persons for whom the registered corporation, if a trust corporation, acts in a fiduciary capacity,

the registered corporation or other person may enter into a program of voluntary compliance related to any act or course of conduct described in clause (a), (b), (c) or (d).

Pouvoirs du surintendant

(4) Après avoir donné à la compagnie inscrite l'occasion de se faire entendre, le surintendant peut confirmer, révoquer ou modifier l'approbation, le consentement ou le refus.

Limitation d'emprunts

(5) Après avoir donné à la compagnie inscrite l'occasion de se faire entendre, le surintendant peut réduire à un montant quelconque, même à un montant inférieur à dix fois l'apport en capital de la compagnie, le montant qu'elle peut recevoir à titre de dépôts ou qu'elle peut emprunter, dans le cas d'une compagnie de fiducie inscrite, ou le montant qu'elle peut emprunter, dans le cas d'une compagnie de prêt inscrite.

Le directeur peut être partie

195 Le directeur a le droit d'assister en personne et d'être représenté par un avocat lors de l'audience devant un comité d'appel.

Transcription

196 Les témoignages oraux reçus par le directeur, le surintendant ou un comité d'appel peuvent être enregistrés. Dans ce cas, une copie de leur transcription est remise sur demande, selon les mêmes modalités et moyennant le paiement des mêmes droits qu'à la Cour suprême.

Audiences à huis clos

197 L'audience tenue devant le directeur, le surintendant ou un comité d'appel peut avoir lieu à huis clos ou en public, à la discrétion du directeur, du surintendant ou du président du comité d'appel, selon le cas.

Programme d'adhésion volontaire

198 (1) Lorsque, de l'avis du surintendant, une compagnie inscrite ou une autre personne commet un acte ou suit une ligne de conduite :

a) qui ne sont pas conformes à la présente loi ou aux règlements;

b) dont la poursuite risque vraisemblablement de créer une situation qui ne soit pas conforme à la présente loi ou aux règlements;

c) qui ne sont pas conformes à un engagement pris aux termes de la présente loi;

d) qui risquent de léser les droits des déposants ou, dans le cas d'une compagnie de fiducie, des personnes qu'elle représente à titre de fiduciaire,

la compagnie inscrite ou l'autre personne peut souscrire à un programme d'adhésion volontaire concernant un acte ou une ligne de conduite visés aux alinéas a), b), c) ou d).

Idem

(2) A voluntary compliance program under this section shall be in writing and shall bind the registered corporation or other person from the time it is approved by the Superintendent.

Powers of Director not affected

(3) Where a voluntary compliance program has been entered into, the Director shall not be prevented from making orders against the registered corporation or other person,

(a) on matters not covered by the program;

(b) where the program is not complied with, on matters covered in the voluntary compliance program;

(c) if there has been a deterioration in the condition of the registered corporation; or

(d) on matters covered in the program where all the facts related to the matter covered by the program were not known by the Superintendent at the time the program was entered into.

Modification of program

(4) The Superintendent on the request of a registered corporation may approve the alteration of a voluntary compliance program entered into under this section.

Cancellation of registration

199.—(1) Where,

(a) a registered corporation or other person has not complied with an order of the Director or of an appeal panel;

(b) a registered corporation or other person has breached an order of the court made under section 210;

(c) grounds exist for the possession and control of a registered corporation by the Superintendent; or

(d) a registered corporation's authority to carry on business has been cancelled or suspended or terms or conditions have been imposed on its authority to carry on business under a law of Canada or of any province or territory of Canada,

the Director may revoke the registration of the corporation or impose terms, conditions or restrictions on the registration of the corporation.

Idem

(2) Le programme d'adhésion volontaire visé au présent article est dressé par écrit et lie la compagnie inscrite ou l'autre personne dès son approbation par le surintendant.

Aucune incidence sur les pouvoirs du directeur

(3) La souscription de la compagnie inscrite ou de l'autre personne au programme d'adhésion volontaire n'empêche pas le directeur de prendre à l'encontre de ces personnes une ordonnance :

a) dont l'objet ne figure pas au programme;

b) dont l'objet figure au programme lorsque ce dernier n'a pas été observé;

c) lorsqu'il y a eu détérioration de la situation de la compagnie inscrite;

d) dont l'objet figure au programme si tous les faits relatifs à l'objet du programme n'étaient pas connus du surintendant au moment de la souscription de la compagnie au programme.

Modification au programme

(4) À la demande de la compagnie inscrite, le surintendant peut donner son approbation à la modification apportée au programme d'adhésion volontaire auquel a souscrit la compagnie aux termes du présent article.

Radiation de l'inscription

199 (1) Le directeur peut radier l'inscription de la compagnie ou assortir son inscription de conditions et de restrictions, si :

a) la compagnie ou une autre personne ne s'est pas conformée à l'ordonnance du directeur ou du comité d'appel;

b) la compagnie ou une autre personne ne s'est pas conformée à l'ordonnance du tribunal rendue en vertu de l'article 210;

c) des motifs justifient une prise de possession et de contrôle par le surintendant;

d) l'autorisation d'exercer ses activités commerciales a été résiliée, interrompue ou assortie de conditions en vertu d'une loi du Canada, d'une province ou d'un territoire du Canada.

Notice of intention

(2) Where the Director proposes to act under subsection (1), the Director shall serve a notice of the intention to act on the corporation.

Hearing

(3) Subsections 192 (2) and (3) apply where a notice is served under subsection (2).

Corporation to cease business except for winding up purposes

(4) After the revocation of a registration under this section, the corporation shall, unless again registered, cease to transact or undertake business in Ontario, except so far as it is necessary for the winding up of its business in Ontario, but any liability incurred by it may be enforced against it as if such revocation had not taken place.

Notice on change of status

200.—(1) On the revocation of the registration of any corporation, or the modification of any of the terms, conditions or restrictions on its registration, the Superintendent shall cause notice in writing thereof to be delivered to it.

Idem

(2) Where the corporation has had its registration revoked, the notice shall be published by the Superintendent in *The Ontario Gazette*.

Orders imposing limitations and conditions or for taking possession and control

201.—(1) Notwithstanding any other provision of this Act, the Lieutenant Governor in Council, without holding a hearing, may order,

(a) that a corporation's registration shall be subject to such terms, conditions and restrictions as are set out in the order; or

(b) that the Superintendent take possession and control of the assets of a provincial corporation,

where, in the opinion of the Lieutenant Governor in Council, one or more of the following has occurred:

1. There has been, on or after the 21st day of December, 1982, a transfer or issue of shares to which subsection 63 (1) or (5) applies and consent has not been obtained under section 63 or a predecessor thereof.

2. The corporation has defaulted on payment of any of its liabilities.

3. The corporation is not complying with this Act or the regulations.

4. The corporation's assets are not satisfactorily accounted for.

(2) Le directeur signifie à la compagnie avis de son intention de prendre les mesures visées au paragraphe (1). Avis d'intention de prendre des mesures

(3) Les paragraphes 192 (2) et (3) s'appliquent dans le cas de signification de l'avis visé au paragraphe (2). Audience

(4) Sauf dans la mesure nécessaire à la liquidation de son entreprise en Ontario, la compagnie dont l'inscription est radiée cesse ses opérations et ses activités commerciales dans cette province, à moins d'être réinscrite. Elle demeure toutefois responsable de ses obligations, dont l'exécution peut être exercée contre elle comme si la radiation n'avait pas eu lieu. Cessation des activités commerciales, sauf le cas de liquidation

200 (1) Le surintendant fait remettre à la compagnie inscrite dont l'inscription a été radiée ou dont les conditions et restrictions d'inscription ont été modifiées un avis écrit à cet effet. Avis de modification de statut

(2) Le surintendant publie dans la *Gazette de l'Ontario* l'avis de radiation de l'inscription de la compagnie. Idem

201 (1) Malgré toute disposition contraire de la présente loi, le lieutenant-gouverneur en conseil peut par décret, sans tenir d'audience : Imposition de limitations et conditions, prise de possession et contrôle

a) assortir l'inscription de la compagnie des conditions et restrictions qui y sont énoncées;

b) enjoindre au surintendant de prendre possession et d'assumer le contrôle des biens de la compagnie provinciale,

lorsqu'à son avis, l'une ou plusieurs des situations suivantes se sont produites :

1. Le 21 décembre 1982 ou après cette date, il y a eu transfert ou émission d'actions auxquels s'applique le paragraphe 63 (1) ou (5), sans l'obtention préalable du consentement visé à l'article 63 ou à une disposition que cet article remplace.

2. La compagnie a fait défaut d'acquitter tout ou partie de son passif.

3. La compagnie ne se conforme pas à la présente loi ou aux règlements.

4. Il n'est pas suffisamment rendu compte de l'actif de la compagnie.

5. The corporation's assets are not sufficient, having regard to all the circumstances, to give adequate protection to the corporation's depositors.

6. There exists any practice of or state of affairs within the corporation that is or may be prejudicial to the public interest or to the interests of the corporation's depositors, creditors or shareholders.

Delivery of order

(2) Where the Lieutenant Governor in Council makes an order under subsection (1), the Superintendent shall deliver a copy of the order to an officer of the registered corporation.

Order final and binding

(3) An order of the Lieutenant Governor in Council under subsection (1) shall take effect immediately and the order is final and binding and no such order or any order made under subsection (5) confirming or varying such order shall be stayed, varied or set aside by any court.

Appointment of appraiser

(4) For the purposes of this section, the Lieutenant Governor in Council may appoint such persons as the Lieutenant Governor in Council considers necessary to value and appraise the assets and liabilities of the corporation and report upon its condition and its ability, or otherwise, to meet its liabilities.

L.G. in C. may confirm, vary or rescind orders

(5) Upon the petition of any party or person interested, filed with the Clerk of the Executive Council within sixty days after the date of any order made under subsection (1), the Lieutenant Governor in Council, by order, may confirm, vary or rescind the whole or any part of such order and an order under this subsection is final and binding.

Saving

(6) Nothing in this section affects the right of the Lieutenant Governor in Council to vary or rescind, at any time, an order made under subsection (1).

Power of Superintendent upon taking control

202.—(1) If so ordered by the Lieutenant Governor in Council under section 201, the Superintendent shall take possession and control of the assets of a provincial corporation and shall thereafter conduct its business and take such steps as in the Superintendent's opinion should be taken toward its rehabilitation or, where an order is made under paragraph 1 of subsection 201 (1), its continued operation, and for such purposes the Superintendent has all the powers of the board of directors of the corporation, and without limiting the generality of the foregoing, the Superintendent may,

5. L'actif de la compagnie, eu égard à toutes les circonstances, ne peut suffire à protéger ses déposants.

6. Une situation ou des pratiques qui ont cours au sein de la compagnie portent ou risquent de porter atteinte à l'intérêt du public ou à l'intérêt des déposants, créanciers ou actionnaires de la compagnie.

Remise du décret

(2) Le surintendant remet copie du décret du lieutenant-gouverneur en conseil pris en vertu du paragraphe (1) à l'un des dirigeants de la compagnie inscrite.

Le décret a force exécutoire

(3) Le décret du lieutenant-gouverneur en conseil pris en vertu du paragraphe (1) prend effet immédiatement, est définitif et a force exécutoire. Aucun tribunal ne doit suspendre, modifier ou annuler ce décret ni celui pris en vertu du paragraphe (5).

Estimateurs

(4) Pour l'application du présent article, le lieutenant-gouverneur en conseil peut nommer le personnel qu'il juge nécessaire aux fins d'évaluer l'actif et le passif de la compagnie et de faire rapport sur sa situation de même que sur sa capacité d'acquitter ou non son passif.

Le lieutenant-gouverneur en conseil peut confirmer, modifier ou annuler les décrets

(5) Sur pétition déposée auprès du greffier du Conseil des ministres par une partie ou une personne intéressée dans les soixante jours du décret pris en vertu du paragraphe (1), le lieutenant-gouverneur en conseil peut, par décret, confirmer, modifier ou annuler celui-ci en totalité ou en partie. Le décret pris en vertu du présent paragraphe est définitif et a force exécutoire.

Exception

(6) Le présent article n'a pas pour effet de limiter le droit du lieutenant-gouverneur en conseil de modifier ou d'annuler le décret pris aux termes du paragraphe (1).

Pouvoirs du surintendant qui assume le contrôle

202 (1) Lorsque le lieutenant-gouverneur en conseil le décrète en vertu de l'article 201, le surintendant prend possession et assume le contrôle des biens de la compagnie provinciale. Il gère alors l'entreprise et prend les mesures qui, à son avis, s'imposent en vue du redressement de la situation de la compagnie ou, dans le cas d'un décret pris en vertu de la disposition 1 du paragraphe 201 (1), en vue de la poursuite de l'exploitation de la compagnie. À ces fins, le surintendant possède tous les pouvoirs du conseil d'administration de la compagnie et peut notamment :

(a) exclude the directors, officers, servants and agents of the corporation from the property and business of the corporation; and

(b) carry on, manage and conduct the operations of the corporation and in the name of the corporation preserve, maintain, realize, dispose of and add to the property of the corporation, receive the income of the corporation and exercise all the powers of the corporation.

Application to court

(2) While the Superintendent has possession and control of the assets of a provincial corporation under this section, the Superintendent may apply to the court for an order for the winding up of the corporation under Part VI of the *Corporations Act*.

R.S.O. 1980, c. 95

Appointment of managers

(3) Where the Superintendent is in possession and control of the assets of a provincial corporation and is conducting its business, he or she may appoint one or more persons to manage and operate the business of the corporation, and,

(a) each person so appointed is a representative of the Superintendent; and

(b) the remuneration of any such person, other than an officer or employee of the Ministry, shall be fixed by the Superintendent.

Relinquishing control

(4) Whenever the Lieutenant Governor in Council believes that a corporation whose assets are in the possession and control of the Superintendent meets the requirements of this Act and that it is otherwise proper for the corporation to resume possession and control of its assets and the conduct of its business, the Lieutenant Governor in Council may in writing direct the Superintendent to relinquish to the corporation the possession and control of its assets, and from and after the date specified in such direction the powers of the Superintendent under this section cease.

Where rehabilitation efforts futile

(5) If the Lieutenant Governor in Council considers that further efforts to rehabilitate a corporation whose assets are in the possession and control of the Superintendent would be futile, the Lieutenant Governor in Council may in writing direct the Superintendent to relinquish to the corporation the possession and control of its assets, and from and after the date specified in such direction the powers of the Superintendent under this section cease.

Expenses of proceedings

(6) The expenses of the Superintendent incurred in proceedings under this section or section 200 or 201 shall be paid,

a) exclure les dirigeants, administrateurs, préposés et mandataires de la compagnie de ses locaux et de ses affaires;

b) gérer et mener les opérations de la compagnie et, au nom de cette dernière, conserver, maintenir, réaliser, accroître ses biens, en disposer, en percevoir les revenus et exercer tous les pouvoirs de la compagnie.

Requête au tribunal

(2) Pendant que le surintendant a la possession et le contrôle de l'actif de la compagnie provinciale en vertu du présent article, il peut présenter au tribunal une requête en vue d'obtenir une ordonnance de liquidation de la compagnie en vertu de la partie VI de la *Loi sur les compagnies et associations*.

L.R.O. 1980, chap. 95

Nomination de gestionnaires

(3) Si le surintendant a la possession et le contrôle de l'actif de la compagnie provinciale et gère l'entreprise de celle-ci, il peut nommer une ou plusieurs personnes aux fins de gérer et d'exploiter l'entreprise. Dans ce cas :

a) chacune des personnes désignées est le délégué du surintendant;

b) le surintendant fixe leur rémunération, sauf celle d'un employé du ministère.

Remise du contrôle

(4) Si le lieutenant-gouverneur en conseil est d'avis que la compagnie dont la possession et le contrôle de l'actif sont présentement dévolus au surintendant satisfait aux exigences de la présente loi et que celle-ci est en mesure de gérer son entreprise et de reprendre la possession et le contrôle de son actif, il peut, par écrit, enjoindre à ce dernier de s'en dessaisir en faveur de la compagnie. Les pouvoirs du surintendant en vertu du présent article prennent alors fin à compter de la date précisée dans cette directive.

Vaines tentatives de redressement

(5) Si le lieutenant-gouverneur en conseil est d'avis que serait vaine toute nouvelle tentative de redressement de la situation de la compagnie dont la possession et le contrôle de l'actif sont présentement dévolus au surintendant, il peut, par écrit, enjoindre à ce dernier de s'en dessaisir en faveur de la compagnie. Les pouvoirs du surintendant en vertu du présent article prennent alors fin à compter de la date précisée dans cette directive.

Frais

(6) Les frais engagés par le surintendant relativement aux mesures prises aux termes du présent article ou des articles 200 ou 201 sont payés :

(a) by the registered corporation; or

(b) where the corporation that is the subject of the proceeding,

(i) is a loan corporation and the corporation cannot pay the full cost of the proceedings, by all registered loan corporations, or

(ii) is a trust corporation and the trust corporation cannot pay the full cost of proceedings, by all registered trust corporations,

and, where clause (b) applies, the share of each registered corporation shall be in the same proportion as its total assets in its last preceding fiscal year bears to the total assets of all loan corporations or trust corporations, as the case may be, in the last preceding fiscal year of each.

Advisory committee

(7) The registered corporations required by clause (6) (b) to bear the expenses of the Superintendent may appoint a committee of not more than six members to advise the Superintendent in respect of all matters pertinent to the rehabilitation of the corporation whose assets are in the possession and control of the Superintendent.

Application to court

203.—(1) Notwithstanding any other provision of this Act, where the Superintendent has taken possession and control of a registered corporation under section 201, the Superintendent may apply to the High Court of Justice for an order,

(a) authorizing some other person to conduct the business of the corporation on such terms and conditions as the court thinks fit;

(b) authorizing and directing the sale of the assets of the corporation in whole or in part notwithstanding any provision of the *Bulk Sales Act*;

R.S.O. 1980, c. 52

(c) appointing interim or permanent substitute trustees in respect of all or any part of the fiduciary obligations and duties of the corporation;

(d) authorizing or directing such other action as the court thinks appropriate and in the best interests of the depositors, persons for whom the corporation acts in a fiduciary capacity, the creditors and the public; or

a) par la compagnie inscrite;

b) si la compagnie qui fait l'objet des mesures :

(i) est une compagnie de prêt qui ne peut assumer seule la totalité des frais, par toutes les compagnies de prêt inscrites,

(ii) est une compagnie de fiducie qui ne peut assumer seule la totalité des frais, par toutes les compagnies de fiducie inscrites.

Dans le cas d'application de l'alinéa b), la quote-part de chaque compagnie inscrite est proportionnelle au total de son actif pour son dernier exercice, par rapport au total de l'actif de toutes les compagnies de prêt ou compagnies de fiducie, selon le cas, lors de l'exercice précédent de chacune d'elles.

Comité consultatif

(7) Les compagnies inscrites qui sont tenues, aux termes de l'alinéa (6) b), de supporter des frais engagés par le surintendant peuvent nommer un comité d'au plus six membres afin de conseiller celui-ci sur les questions reliées au redressement de la situation de la compagnie dont la possession et le contrôle de l'actif lui sont dévolus.

Requête au tribunal

203 (1) Malgré toute disposition contraire de la présente loi, lorsque le surintendant a pris la possession et le contrôle de la compagnie inscrite en vertu de l'article 201, il peut demander à la Haute Cour, par voie de requête, de rendre une ordonnance ayant pour effet :

a) d'autoriser une autre personne à gérer l'entreprise de la compagnie aux conditions que le tribunal estime pertinentes;

b) d'autoriser et de surveiller la vente de la totalité ou d'une partie des biens de la compagnie, malgré les dispositions de la *Loi sur la vente en bloc*; L.R.O. 1980, chap. 52

c) de nommer des représentants suppléants, provisoires ou permanents, aux fins d'acquitter la totalité ou une partie des obligations fiduciaires de la compagnie;

d) d'autoriser ou d'ordonner d'autres mesures que le tribunal juge pertinents et dans l'intérêt véritable des déposants, des personnes que la compagnie représente à titre de fiduciaire, de ses créanciers et du public;

(e) staying any civil proceedings against the corporation while the Superintendent is in possession and control of the corporation.

Substituted fiduciary

(2) Where the High Court of Justice has made an order under clause (1) (c), the fiduciary duties vest in, bind and may be enforced against the substituted fiduciary as fully and effectually as if the substituted fiduciary was originally named as fiduciary.

Orders, etc., binding on successors and assignees

204. Where an order or approval is made or given under this Act or a term, condition or restriction is imposed on its registration, it is binding on every successor or assignee of the corporation or other person to whom it is directed.

Over-valued property

205.—(1) If in the opinion of the Director with respect to a registered corporation or its subsidiaries, it appears that,

(a) the value placed upon the real estate owned by the corporation or any of its subsidiaries or any parcel thereof is too great;

(b) the amount secured by mortgage upon any parcel of real estate, together with interest due and accrued thereon is greater than the lending value of the parcel, or that the parcel is not sufficient security for the loan and interest; or

(c) the market value of any other investment is less than the amount shown in the books of the corporation or any of its subsidiaries,

the Director may require the corporation to secure an appraisal of such assets by one or more competent valuators or the Director may procure such appraisal at the expense of the corporation.

Idem

(2) If following an appraisal under subsection (1), it appears that the value of the asset is less than the amount at which it is carried on the books of the registered corporation or any of its subsidiaries or that the value is not adequate security for the loan and interest, the Director may order that the appraised value be reflected in calculations made for the purposes of this Act and the regulations.

Idem

(3) An order of the Director under subsection (2) shall be noted in the corporation's financial statements for the year in which the order is made.

e) de suspendre toute poursuite civile engagée contre la compagnie pendant que le surintendant a la possession et le contrôle de l'actif.

Représentant suppléant

(2) Si la Haute Cour rend une ordonnance aux termes de l'alinéa (1) c), les obligations fiduciaires passent au représentant suppléant. Celles-ci sont susceptibles d'exécution contre lui dans la même mesure que s'il était le représentant original.

Ordonnances, etc., lient les successeurs et cessionnaires

204 L'ordonnance rendue ou l'approbation accordée aux termes de la présente loi, ainsi que les conditions et restrictions dont est assortie son inscription, lient les successeurs et cessionnaires de la compagnie ou de l'autre personne à qui celles-ci s'adressent.

Surévaluation d'un bien

205 (1) Le directeur peut exiger que la compagnie fasse appel à un ou plusieurs estimateurs compétents aux fins d'évaluer les biens mentionnés ci-après, s'il est d'avis que :

a) la valeur imputée aux biens immeubles, ou à un bien immeuble particulier, dont la compagnie ou l'une de ses filiales sont propriétaires est trop élevée;

b) la somme garantie par hypothèque grevant un bien immeuble en faveur de la compagnie ou l'une de ses filiales, majorée des intérêts échus et courus, dépasse sa valeur hypothécable, ou que ce bien immeuble ne constitue pas une sûreté suffisante pour garantir le prêt et les intérêts;

c) la valeur marchande d'un autre placement est inférieure au montant qui figure aux livres comptables de la compagnie ou de l'une de ses filiales.

Le directeur peut également procéder à cette estimation aux frais de la compagnie.

Idem

(2) S'il appert, d'après l'évaluation effectuée aux termes du paragraphe (1), que la valeur d'un bien est inférieure à celle qui est indiquée aux livres comptables de la compagnie inscrite ou de l'une de ses filiales, ou que cette valeur ne constitue pas une sûreté suffisante pour garantir le prêt et les intérêts, le directeur peut ordonner que les calculs faits en application de la présente loi et des règlements reflètent la valeur estimative.

Idem

(3) L'ordre pris par le directeur aux termes du paragraphe (2) figure aux états financiers de la compagnie pour l'exercice au cours duquel le directeur prend l'ordre.

Investigation

206.—(1) Where upon a statement made under oath it appears probable to the Superintendent that any corporation or other person has contravened any of the provisions of this Act or the regulations, the Superintendent by order may appoint any person to make such investigation as the Superintendent considers expedient for the due administration and enforcement of this Act, and in the order shall determine and prescribe the scope of the investigation.

Scope of investigation

(2) For the purpose of any investigation ordered under this section, the person appointed to make the investigation may investigate, inquire into and examine,

(a) the affairs of the person or corporation in respect of whom the investigation is being made and any books, papers, documents, correspondence, communications, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or connected with the corporation or other person and any property, assets or things owned, acquired or alienated in whole or in part by the corporation or other person or by any person or corporation acting on behalf of or as agent for the person or corporation; and

(b) the assets at any time held, the liabilities, debts, undertakings and obligations at any time existing, the financial or other conditions at any time prevailing in or in relation to or in connection with the corporation or other person and the relationship that may at any time exist or have existed between the corporation or other person and any other person by reason of investments, purchases, commissions promised, secured or paid, interests held or acquired, purchase or sale of stock or other property, the transfer, negotiation or holding of stock, interlocking directorates, common control, undue influence or control or any other relationship.

Powers to summon witnesses and require production

(3) The person making an investigation under this section has the same power to summon and enforce the attendance of witnesses and compel them to give evidence on oath or otherwise, and to produce documents, records and things, as is vested in the Supreme Court for the trial of civil actions, and the failure or refusal of a person to attend, to answer questions or to produce such documents, records and things as are in the person's custody or possession makes the person liable to be committed for contempt by a judge of the Supreme Court as if in breach of an order or judgment of the Supreme Court and no provision of the *Evidence Act* exempts any bank or corporation or any officer or employee thereof from the operation of this section.

R.S.O. 1980, c. 145

Enquête

206 (1) Si, aux termes d'une déclaration sous serment, il semble probable au surintendant qu'une compagnie ou une autre personne a contrevenu aux dispositions de la présente loi ou des règlements, celui-ci peut, au moyen d'une ordonnance, mandater une personne pour mener l'enquête qu'il juge opportune pour l'application et l'exécution de la présente loi. Le mandat précise la portée de cette enquête.

Portée de l'enquête

(2) Pour les fins de l'enquête visée au présent article, la personne mandatée à cette fin peut faire enquête et procéder à l'examen :

a) des affaires de la personne ou de la compagnie qui en fait l'objet ainsi que des livres comptables, papiers, documents, de la correspondance, des communications, négociations, opérations, enquêtes, prêts, emprunts de même que des paiements effectués à la compagnie ou à l'autre personne, par ces dernières ou pour leur compte, ou qui sont reliés ou ont trait à celles-ci. Il en est de même des autres biens, des éléments d'actif ou des choses dont elles-mêmes, ou leurs mandataires pour leur compte, sont propriétaires ou que ceux-ci ont acquis ou aliénés en totalité ou en partie;

b) de l'actif ainsi que du passif, des dettes, engagements et obligations de la compagnie ou de l'autre personne, de leur situation financière ou autre, à n'importe quel moment. Il en est de même des rapports qui peuvent exister ou avoir existé à n'importe quel moment entre celles-ci et une autre personne en raison de placements, d'acquisitions, de commissions promises, assorties de sûretés ou versées, de droits détenus ou acquis, d'acquisition ou de vente d'actions ou autres biens, du transfert, de la négociation ou de la détention d'actions, de directions de liaison, de contrôle commun, d'abus d'influence ou de contrôle ou d'autres rapports.

Pouvoir d'assigner des témoins et d'exiger la production de documents

(3) La personne chargée de l'enquête aux termes du présent article a les pouvoirs de la Cour suprême lors de procès civils pour assigner les témoins, les forcer à être présents, les contraindre à témoigner sous serment ou autrement, ainsi qu'à produire les documents, dossiers et objets qu'ils ont en leur possession ou sous leur garde. Le défaut ou le refus des témoins d'obtempérer rend ceux-ci, sur l'ordre d'un juge de la Cour suprême, passibles d'incarcération pour outrage au tribunal, comme dans le cas du défaut de se conformer à l'ordonnance ou au jugement de la Cour suprême. Aucune disposition de la *Loi sur la preuve* n'a pour effet de dispenser de l'application du présent article une banque, une compagnie ou leurs dirigeants ou employés.

L.R.O. 1980, chap. 145

Counsel

(4) A person giving evidence at an investigation under this section may be represented by counsel.

Seizure of property

(5) Where an investigation is ordered under this section, the person appointed to make the investigation may seize and take possession of any documents, records, securities or other property of the corporation or other person whose affairs are being investigated.

Inspection of seized documents

(6) Where any documents, records, securities or other property are seized under subsection (5), the documents, records, securities or other property shall be made available for inspection and copying by the corporation or other person from whom seized at a mutually convenient time and place if a request for an opportunity to inspect or copy is made by the person or corporation to the person appointed to make the investigation.

Accountants and experts

(7) Where an investigation is ordered under this section, the Superintendent may appoint an accountant or other expert to examine documents, records, property and matters of the person or corporation whose affairs are being investigated.

Reports of investigation

(8) Every person appointed under subsection (1) or (7) shall provide the Superintendent with a full and complete report of the investigation including any transcript of evidence and material in his or her possession relating to the investigation.

Protection from personal liability

207. No action or other proceeding for damages shall be instituted against a person appointed under subsection 206 (1) or (7) for any act done in good faith in the execution or intended execution of the person's duty or for any alleged neglect or default in the execution in good faith of the person's duty.

Order to freeze property

208.—(1) The Superintendent may,

(a) where the Superintendent is about to order an investigation in respect of a corporation or other person under section 206 or during or after an investigation in respect of a person or corporation under section 206;

(b) where the Director is about to make or has made a decision revoking the registration of any corporation; or

Avocat

(4) La personne qui témoigne à l'enquête menée aux termes du présent article peut être représentée par un avocat.

Saisie des biens

(5) La personne chargée de l'enquête aux termes du présent article peut saisir les documents, dossiers, valeurs mobilières ou autres biens de la compagnie ou de l'autre personne dont les affaires font l'objet de l'enquête et en prendre possession.

Inspection des documents saisis

(6) La personne chargée de l'enquête rend accessibles à des fins d'inspection et de reproduction, à l'heure et au lieu convenus avec la compagnie ou la personne qui en fait la demande, les documents, dossiers, valeurs mobilières ou autres biens qui ont été saisis entre leurs mains en vertu du paragraphe (5).

Comptables et experts

(7) Le surintendant peut nommer un comptable ou autre expert pour faire l'examen des documents, dossiers, biens et activités de la compagnie ou de la personne dont les affaires font l'objet de l'enquête visée au présent article.

Rapport de l'enquête

(8) La personne nommée en vertu du paragraphe (1) ou (7) présente au surintendant un rapport complet et détaillé de l'enquête, y compris, le cas échéant, la transcription des témoignages et les documents qui s'y rapportent et que celle-ci a en sa possession.

Immunité

207 Sont irrecevables les actions ou autres instances en dommages-intérêts intentées contre une personne nommée aux termes des paragraphes 206 (1) ou (7) pour un acte accompli de bonne foi dans l'exercice ou l'exercice prévu de ses fonctions ou pour une négligence ou un défaut imputé dans l'exercice de bonne foi de ses fonctions.

Avoirs bloqués

208 (1) Le surintendant peut, au moyen d'un procédé qui produit un texte écrit ou imprimé, enjoindre à une compagnie ou à une autre personne de retenir les fonds, valeurs mobilières ou biens confiés à sa garde, notamment à titre de dépôt, par la compagnie ou la personne visées ci-après, dans les cas suivants :

a) le surintendant est sur le point d'ordonner une enquête aux termes de l'article 206 relativement à une compagnie ou à une autre personne, ou une telle enquête est déjà en cours ou est terminée;

b) le directeur est sur le point de rendre ou a rendu sa décision de radier l'inscription d'une compagnie;

(c) where proceedings in respect of a contravention of this Act or the regulations are about to be or have been instituted against any corporation or other person that in the opinion of the Superintendent are connected with or arise out of any business conducted by the corporation or other person,

by any method that provides a written or printed copy, direct any corporation or other person having on deposit or under control or for safekeeping any funds, securities or assets of the corporation or other person referred to in clause (a), (b) or (c) to hold such funds or securities or assets or direct the corporation or other person referred to in clause (a), (b) or (c) to refrain from withdrawing or dealing with any such funds, securities or assets from any other person having any of them on deposit, under control or for safekeeping or to hold all funds, securities or assets in their possession or control in trust for the Superintendent, or until the Superintendent in writing revokes the direction or consents to release any particular fund or property from the direction.

Idem

(2) A direction issued under subsection (1) does not apply to funds or securities in a stock exchange clearing house or to securities in process of transfer by a transfer agent unless the direction expressly so states and in the case of a bank or a corporation, the direction applies only to the offices, branches or agencies thereof named in the direction.

Application for directions

(3) Any person or corporation named in a direction issued under subsection (1), if in doubt as to the application of the direction to particular funds, securities or assets, may apply to the Superintendent for an order of clarification.

Revocation or amendment of direction

(4) Upon the application of a registered corporation or other person directly affected by a direction issued under subsection (1), the Superintendent may make an order on such terms and conditions as he or she may impose revoking the direction or consenting to the release of any fund or security.

Notice to land registry offices

(5) In any of the circumstances mentioned in clause (1) (a), (b) or (c), the Superintendent may by any method that provides a written or printed copy notify any land registrar that proceedings are being or are about to be taken that may affect land belonging to the corporation or other person referred to in the notice, and the land registrar shall register the notice against the title of the land.

Idem

(6) A notice registered under subsection (5) has the same effect as the registration of a certificate of pending litigation or a caution, and the Superintendent may in writing revoke or modify the notice.

c) des poursuites découlant d'une contravention à la présente loi ou aux règlements sont sur le point d'être intentées ou l'ont été contre une compagnie ou une autre personne, et le surintendant est d'avis que les poursuites sont reliées à des activités exercées par la compagnie ou l'autre personne ou en sont la conséquence.

Le surintendant peut de même enjoindre à la compagnie ou à l'autre personne visée aux alinéas a), b) ou c) de s'abstenir de disposer de tels fonds, valeurs mobilières ou biens ou d'en effectuer le retrait auprès de toute personne qui en aurait la garde, notamment à titre de dépôt, ou de les détenir en fiducie pour le compte du surintendant. L'ordre reste en vigueur jusqu'à ce que le surintendant le révoque par écrit. Il peut toutefois consentir à soustraire à son application un fonds ou un bien en particulier.

Idem

(2) Sauf disposition expresse à cet effet contenue dans l'ordre donné aux termes du paragraphe (1), celui-ci ne s'applique pas aux fonds ou aux valeurs mobilières en dépôt à la chambre de compensation d'une bourse ou à ceux qui font l'objet d'un transfert par un agent de transferts. Dans le cas des banques et des compagnies, cet ordre ne s'applique qu'aux bureaux, succursales ou agences qui y sont précisés.

Demande de précisions

(3) La personne ou la compagnie visée par l'ordre donné aux termes du paragraphe (1) et qui s'interroge au sujet de l'application de l'ordre à un fonds, à des valeurs mobilières ou à des biens en particulier peut s'adresser au surintendant, par voie de requête, en vue d'obtenir une ordonnance apportant des précisions.

Révocation ou modification de l'ordre

(4) Le surintendant, à la requête d'une compagnie inscrite ou d'une personne directement visée par l'ordre donné aux termes du paragraphe (1), peut, aux conditions qu'il fixe, révoquer l'ordre ou consentir à soustraire à son application un fonds ou une valeur mobilière.

Avis aux bureaux d'enregistrement immobilier

(5) Dans les cas visés aux alinéas (1) a), b) ou c), le surintendant peut, au moyen d'un procédé qui produit un texte écrit ou imprimé, notifier un registrateur des droits immobiliers qu'une poursuite susceptible de porter sur les biens-fonds appartenant à la compagnie ou à la personne visée est intentée ou sur le point de l'être. Le registrateur fait alors enregistrer l'avis sur le bien-fonds.

Idem

(6) L'avis enregistré aux termes du paragraphe (5) a le même effet que l'enregistrement d'un certificat d'affaire en instance ou d'un avertissement. Le surintendant peut, par écrit, révoquer ou modifier cet avis.

Liability for short-fall

209.—(1) Where the Director, under clause 192 (1) (a), (c) or (d), has ordered a registered corporation or any of its subsidiaries to dispose of and realize any of its investments and if the amount realized therefrom falls below the amount paid by it for such investments, the directors of the corporation are jointly and severally liable for the payment to the corporation of the amount of the deficiency.

Idem

(2) If a director is present when any investment referred to in subsection (1) is authorized, forthwith, or if any director then absent, within twenty-four hours after he or she become aware of such investment, and is able to do so, sends his or her written dissent by registered mail or delivers it to the principal place of business of the corporation and requests that the dissent be entered in the minutes of the next meeting of the board of directors and, within eight days thereafter, notifies the Director in writing of the dissent, the director of the corporation may thereby, but not otherwise, exonerate himself or herself from liability.

Order for compliance

210.—(1) Where it appears to the Superintendent that any registered corporation or other person has failed to comply with or is not complying with,

(a) any approval given or any order made under this Act;

(b) any voluntary compliance program entered into; or

(c) any term, condition or restriction imposed on its registration,

the Superintendent, in addition to any other rights under this Act, may apply to the High Court of Justice for an order,

(d) directing the person or corporation to comply with the approval, program or order, term, condition or restriction or restraining the person or corporation from violating the approval, program, order, term, condition or restriction; and

(e) directing the directors and officers of the person or corporation to cause the person or corporation to comply with or to cease violating the approval, program or order of the Director or Superintendent, or term, condition or restriction imposed on its registration,

and the court may make such order as it considers appropriate.

Responsabilité pour insuffisance

209 (1) Si le directeur, agissant en vertu de l'alinéa 192 (1) a), c) ou d), enjoint à la compagnie inscrite ou à l'une de ses filiales de se départir de ses placements et de les réaliser, et si leur valeur de réalisation est inférieure à leur coût initial, les administrateurs de la compagnie sont solidairement tenus de combler l'insuffisance.

Idem

(2) L'administrateur présent au moment où le placement visé au paragraphe (1) est autorisé ne dégage sa responsabilité que s'il fait parvenir, sans délai et par écrit, sa dissidence par courrier recommandé ou la remet à l'établissement principal de la compagnie et demande qu'elle soit consignée au procès-verbal de la prochaine réunion du conseil d'administration. Il doit aussi, dans les huit jours, aviser le directeur de sa dissidence, par écrit. L'administrateur absent à ce moment ne dégage sa responsabilité que s'il agit de même dans les vingt-quatre heures qui suivent le moment où il apprend que le placement a été autorisé et a la possibilité d'agir.

Ordonnance de se conformer

210 (1) Lorsque le surintendant est d'avis qu'une compagnie inscrite ou une autre personne ne s'est pas conformée ou ne se conforme pas :

a) à une approbation ou un ordre donnés ou une ordonnance rendue en vertu de la présente loi;

b) au programme d'adhésion volontaire auquel elle a souscrit;

c) à l'une des conditions ou restrictions dont est assortie son inscription,

il peut, outre les autres droits que lui accorde la présente loi, demander par voie de requête à la Haute Cour de justice de rendre une ordonnance aux fins :

d) d'enjoindre à la personne ou la compagnie de se conformer à l'approbation, au programme, à l'ordre, à l'ordonnance, à la condition ou à la restriction, ou d'interdire à celles-ci d'y contrevenir;

e) d'enjoindre aux administrateurs et dirigeants de la personne ou de la compagnie de faire en sorte que ces dernières se conforment à l'approbation, au programme, à l'ordre du directeur ou du surintendant ou aux conditions dont est assortie l'inscription ou qu'elles mettent fin à toute contravention à leur égard.

La Haute Cour peut rendre l'ordonnance qu'elle juge pertinente.

Appeal

(2) An appeal lies to the Divisional Court from an order made under subsection (1).

Oppression remedy

211.—(1) A depositor, shareholder, creditor, a person for whom the registered corporation acts in a fiduciary capacity or the Superintendent may apply to the High Court of Justice for an order under this section.

Idem

(2) Where, upon an application under subsection (1), the court is satisfied that in respect of a registered corporation or any of its affiliates,

(a) any act or omission of the corporation or any of its affiliates effects or threatens to effect a result;

(b) the business or affairs of the corporation or any of its affiliates are, have been or are threatened to be carried on or conducted in a manner; or

(c) the powers of the directors of the corporation or any of its affiliates are, have been or are threatened to be exercised in a manner,

that is oppressive or unfairly prejudicial to or that unfairly disregards the interests of any shareholder, depositor, creditor or person for whom the corporation acts in a fiduciary capacity, the court may make an order to rectify the matters complained of.

Notice to Superintendent

(3) Where a depositor, shareholder, creditor or person for whom the corporation acts in a fiduciary capacity makes an application under subsection (1), he or she shall give notice to the Superintendent.

Court order

(4) In connection with an application under this section, the court may make any interim or final order it thinks appropriate including, without limiting the generality of the foregoing,

(a) an order restraining the conduct complained of;

(b) an order to regulate a corporation's affairs by amending the by-laws;

(c) an order appointing directors in place of or in addition to all or any of the directors then in office;

(2) Il peut être interjeté appel devant la Cour divisionnaire de l'ordonnance rendue en vertu du paragraphe (1). Appel

211 (1) Le déposant, l'actionnaire, le créancier, la personne que représente la compagnie inscrite en qualité de fiduciaire, ainsi que le surintendant peuvent s'adresser à la Haute Cour de justice, par voie de requête, en vue d'obtenir une ordonnance en vertu du présent article. Recours en cas d'abus

(2) Si le tribunal est convaincu, dans le cadre d'une requête présentée en vertu du paragraphe (1) : Idem

a) qu'un acte ou une omission d'une compagnie inscrite ou d'un membre du même groupe entraînent ou risquent d'entraîner un résultat qui lèse gravement les intérêts d'un actionnaire, d'un déposant, d'un créancier ou d'une personne que la compagnie représente à titre de fiduciaire, ou qui, de façon injuste, porte atteinte à leurs intérêts ou n'en tient pas compte;

b) que la compagnie ou un membre du même groupe conduisent leurs affaires d'une manière susceptible d'entraîner le résultat décrit à l'alinéa a), l'ont fait ou risquent de le faire;

c) que les administrateurs de la compagnie ou d'un membre du même groupe ont exercé leurs pouvoirs d'une manière susceptible d'entraîner le résultat décrit à l'alinéa a), l'ont fait ou risquent de le faire,

le tribunal peut rendre une ordonnance afin de redresser la situation.

(3) Le déposant, l'actionnaire, le créancier ou la personne que représente la compagnie à titre de fiduciaire et qui présentent une requête aux termes du paragraphe (1), en donnent avis au surintendant. Avis au surintendant

(4) Pour donner suite à la requête présentée aux termes du présent article, le tribunal peut rendre l'ordonnance provisoire ou définitive qu'il estime pertinente, notamment pour : Ordonnance du tribunal

a) interdire le comportement reproché;

b) réglementer les affaires de la compagnie en modifiant son règlement intérieur;

c) faire des nominations au conseil d'administration, soit pour remplacer tous les administrateurs en fonction ou certains d'entre eux, soit pour en augmenter le nombre;

(d) an order varying or setting aside a transaction or contract to which a registered corporation is a party and compensating the registered corporation or any other party to the transaction or contract;

(e) an order requiring a registered corporation, within a time specified by the court, to produce to the court or an interested person financial statements or an accounting in such other form as the court may determine;

(f) an order compensating an aggrieved person;

(g) an order directing rectification of the records of a corporation; or

(h) an order requiring the trial of any issue.

Want of prosecution

212.—(1) An application under section 211 shall not be stayed, discontinued, settled or dismissed for want of prosecution without the approval of the court given upon such terms as the court thinks fit and, if the court determines that the interests of any person described in subsection 211 (1) may be substantially affected by such stay, discontinuance, settlement or dismissal, the court may order any party to the application to give notice to the person.

Costs

(2) A person described in subsection 211 (1) is not required to give security for costs in any application under that section.

Idem

(3) In an application under section 211, the court may at any time order the registered corporation or any of its affiliates to pay to the shareholder, depositor, creditor or person to whom the corporation acts in a fiduciary capacity or Superintendent interim costs, including reasonable legal fees and disbursements, for which interim costs the applicant may be held accountable to the corporation or its affiliate upon final disposition of the application.

PART XIII

OFFENCES AND PENALTIES

Carrying on business of corporation prohibited

213.—(1) No person, other than a registered corporation, shall conduct, undertake or transact in Ontario the business of a loan corporation or of a trust corporation.

Acting as trustee, etc., prohibited

(2) No body corporate, other than a registered trust corporation, shall,

d) modifier ou annuler une opération ou un contrat auxquels est partie la compagnie inscrite, et indemniser la compagnie ou une autre partie à l'opération ou au contrat;

e) enjoindre à la compagnie inscrite de fournir dans le délai imparti, au tribunal ou à la personne intéressée, soit des états financiers, soit un compte-rendu comptable dans une autre forme que précise le tribunal;

f) indemniser une personne lésée;

g) rectifier les dossiers de la compagnie;

h) faire instruire toute question litigieuse.

Absence de poursuite

212 (1) Le sursis, la transaction ou le rejet, faute de poursuite, de la requête visée à l'article 211 ou le désistement du requérant, sont subordonnés à leur approbation par le tribunal aux conditions qu'il estime pertinentes. Le tribunal peut également ordonner à toute partie d'en donner avis à la personne visée au paragraphe 211 (1) s'il conclut que les droits de celle-ci peuvent être sérieusement atteints par cette mesure.

Dépens

(2) La personne visée au paragraphe 211 (1) n'est pas tenue de fournir un cautionnement pour dépens lors de la requête visée à cet article.

Idem

(3) À la suite de la requête visée à l'article 211, le tribunal peut ordonner à la compagnie inscrite ou au membre du même groupe que celle-ci de verser aux actionnaires, déposants, créanciers, aux personnes que la compagnie représente à titre de fiduciaire ou au surintendant, des dépens provisoires, y compris des honoraires légaux et débours raisonnables. Le requérant peut être redevable de ces dépens provisoires envers la compagnie ou le membre du même groupe que celle-ci lors du règlement définitif de la requête.

PARTIE XIII

INFRACTIONS ET PEINES

Interdiction d'exercer les activités d'une compagnie

213 (1) Nulle personne autre que la compagnie inscrite ne doit poursuivre, entreprendre ou exercer en Ontario les activités d'une compagnie de prêt ou d'une compagnie de fiducie.

Interdiction d'agir en tant que fiduciaire, etc.

(2) Nulle personne morale autre que la compagnie de fiducie inscrite ne doit :

(a) offer its services to the public as, or accept or execute the office of,

(i) executor or administrator, or

(ii) guardian of any minor's estate or committee of any mentally incompetent person's estate; or

(b) act as a trustee in respect of any service it provides to the public.

Exception

(3) Clause (2) (b) does not apply to,

(a) a body corporate that is acting as a trustee as provided under Part II of the *Business Corporations Act, 1982* or as required by any other Act; or

1982, c. 4

(b) a body corporate that manages a mutual fund trust and that is approved by the Ontario Securities Commission to act as the trustee of the mutual fund trust.

Restriction on use of name

(4) No person, other than a registered trust corporation, shall hold itself out to the public in Ontario as a registered trust corporation by using in its name the words "trust corporation", "trust company", "trustco", "compagnie de fiducie" or "société de fiducie" or any similar words in its name in conjunction with its business or undertakings, unless such name was legally in use before the day this section comes into force.

Carrying on business by corporations

(5) No corporation, other than a registered corporation, shall hold itself out to the public in Ontario as a registered corporation by conducting, undertaking or transacting any part or aspect of the business of a trust corporation or loan corporation.

Soliciting business

(6) No person, other than a registered corporation and a person duly authorized by it to act on its behalf, shall solicit the business of a trust corporation or loan corporation.

Action of promoters, etc.

(7) No person shall undertake, transact or solicit in Ontario any part or aspect of the business of a trust corporation or a loan corporation for a body corporate that is not registered under this Act.

Prohibition on certain activities

(8) No registered corporation, directly or indirectly, through a subsidiary or otherwise, unless permitted under this Act, shall,

a) offrir ses services au public ou accepter ou exercer quelque fonction :

(i) en tant qu'exécuteur testamentaire ou administrateur successoral,

(ii) en tant que tuteur aux biens d'un enfant mineur ou curateur aux biens d'une personne frappée d'incapacité mentale;

b) agir en tant que fiduciaire à l'égard des services qu'elle fournit au public.

Exception

(3) L'alinéa (2) b) ne s'applique pas :

a) à la personne morale qui agit en tant que fiduciaire comme le prévoit la partie II de la *Loi de 1982 sur les compagnies* ou comme l'exige une autre loi; 1982, chap. 4

b) à la personne morale qui a été approuvée par la Commission des valeurs mobilières de l'Ontario en tant que fiduciaire d'un fonds mutuel constitué en fiducie dont elle assure la gestion.

Restriction à l'utilisation d'une dénomination sociale

(4) Nulle personne autre que la compagnie de fiducie inscrite ne doit se faire passer pour une telle compagnie auprès du public en Ontario en se désignant sous une dénomination sociale qui comporte les mots «trust corporation», «trust company», «trustco», «compagnie de fiducie» ou «société de fiducie» ou autres termes semblables, relativement à ses activités ou entreprises, sauf si la personne employait légalement cette dénomination sociale avant l'entrée en vigueur du présent article.

Activités exercées par les compagnies

(5) Nulle compagnie autre que la compagnie inscrite ne doit se faire passer pour une telle compagnie auprès du public en Ontario en poursuivant, en entreprenant ou en exerçant une partie des activités d'une compagnie de fiducie ou d'une compagnie de prêt.

Sollicitation

(6) Nulle personne autre que la compagnie inscrite et son mandataire autorisé ne doit solliciter la clientèle propre à la compagnie de prêt ou à la compagnie de fiducie.

Démarches de promoteurs, etc.

(7) Nulle personne ne doit, pour le compte d'une personne morale qui n'est pas inscrite en vertu de la présente loi, entreprendre ou exercer en Ontario une partie des activités d'une compagnie de fiducie ou d'une compagnie de prêt ou solliciter la clientèle qui leur est propre.

Interdiction d'exercer certaines activités

(8) Sauf autorisation accordée aux termes de la présente loi, la compagnie inscrite ne doit pas, directement ou indirectement, par l'entremise de ses filiales ou autrement :

(a) deal in goods, wares and merchandise or engage in any trade or business;

(b) provide letters of credit or like instruments;

(c) guarantee the performance of any obligation by a person other than the corporation or its subsidiary unless the corporation has received security for the guarantee at least equal to the amount of the obligation guaranteed; or

(d) issue notes of the corporation payable to bearer on demand and intended for circulation.

Offences

214.—(1) Every person who,

(a) contravenes any provision of section 213;

(b) fails to comply with any written undertaking given under this Act;

(c) fails to comply with an order made under this Act;

(d) contravenes any provision of Part IX;

(e) allows their name to be used on behalf of a person having a beneficial interest in a corporation for the purpose of disguising such interest;

(f) contravenes reporting requirements related to insider trading in respect of a corporation;

(g) traffics in a shareholder's list contrary to section 133;

(h) accepts or receives or gives a grant or gratuity or holds shares contrary to section 179;

(i) fails to report to the Superintendent as required under this Act;

(j) in the case of a registered corporation, contravenes any term, condition or restriction imposed on its registration; or

(k) knowingly provides false information in relation to any matter under this Act,

is guilty of an offence.

a) faire le commerce d'effets mobiliers, d'objets et de marchandises ou s'adonner à un commerce;

b) souscrire des lettres de crédit ou effets semblables;

c) cautionner l'exécution d'une obligation par une personne autre que la compagnie ou sa filiale, à moins que la compagnie n'ait reçu une sûreté d'une valeur au moins égale au montant de l'obligation garantie;

d) délivrer des billets au porteur payables sur demande, souscrits par la compagnie et destinés à être mis en circulation.

Infractions

214 (1) Est coupable d'une infraction toute personne qui :

a) enfreint une disposition de l'article 213;

b) ne se conforme pas à un engagement écrit pris aux termes de la présente loi;

c) enfreint une ordonnance prise ou rendue ou un ordre donné en vertu de la présente loi;

d) enfreint une disposition de la partie IX;

e) consent à l'utilisation de son nom ou de sa dénomination sociale pour le compte du titulaire d'un droit à titre bénéficiaire dans une compagnie, aux fins de permettre à ce dernier de dissimuler son droit;

f) ne se conforme pas aux obligations de divulgation relatives aux transactions d'initiés relativement aux compagnies;

g) trafique des listes d'actionnaires contrairement à l'article 133;

h) accepte, reçoit ou accorde un don ou une gratification, ou détient des actions, contrairement à l'article 179;

i) ne présente pas au surintendant un rapport exigé aux termes de la présente loi;

j) dans le cas d'une compagnie inscrite, enfreint une condition ou restriction dont est assortie son inscription;

k) fournit sciemment de faux renseignements concernant tout point visé à la présente loi.

Penalty

(2) On conviction for an offence referred to in subsection (1) or subsection 60 (4) or 61 (6), the person convicted is liable on a first conviction to a fine of not more than $100,000 and on each subsequent conviction to a fine of not more than $200,000.

Derivative

(3) Every person who caused, authorized, permitted or participated in an offence referred to in subsection (1) or subsection 60 (4) or 61 (6) is guilty of an offence and on conviction is liable on a first conviction to a fine of not more than $100,000 and on each subsequent conviction to a fine of not more than $200,000.

Saving, voluntary compliance program

(4) Notwithstanding subsection (1), a person for whom a voluntary compliance program has been approved by the Superintendent who complies fully with such program shall not be prosecuted for or convicted of an offence in respect of the breach of this Act which the program was intended to remedy.

Saving, disclosure

(5) A person is not guilty of an offence under clause (1) (d) if the person was not a party to the offence and reported the failure to comply with Part IX as set out in section 150 or 151.

Limitation period

215. No proceeding for an offence under this Part shall be commenced in any court more than two years after the facts upon which the proceedings are based first came to the knowledge of the Superintendent.

Order to comply

216. Where a person is convicted of an offence under this Act or the regulations, the court in which proceedings in respect of the offence are taken, in addition to any punishment it may impose, may order that person to comply with the provisions of this Act or the regulations for the contravention of which the person has been convicted.

Restitution

217. Where a person is convicted of an offence under this Act, the court making the conviction may, in addition to any other penalty, order the person convicted to make compensation or restitution in relation thereto.

PART XIV

MISCELLANEOUS AND REGULATIONS

Deposits from persons unable to contract

218. A registered corporation, without the authority, aid, assistance or intervention of any other person or official being required, may receive deposits from any person regardless of the person's age, status or condition in life, and whether the

Peine

(2) La personne déclarée coupable d'une infraction visée au paragraphe (1) ou aux paragraphes 60 (4) ou 61 (6) est passible d'une amende d'au plus 100 000 $ à la première déclaration de culpabilité et d'au plus 200 000 $ à chacune des déclarations subséquentes.

Infraction dérivée

(3) Toute personne qui a causé, autorisé ou permis la perpétration de l'infraction visée au paragraphe (1) ou aux paragraphes 60 (4) ou 61 (6), ou qui y était partie, est coupable d'une infraction et passible, sur déclaration de culpabilité, d'une amende d'au plus 100 000 $ à la première déclaration de culpabilité et d'au plus 200 000 $ à chacune des déclarations subséquentes.

Exception, programme d'adhésion volontaire

(4) Malgré le paragraphe (1), la personne qui se conforme à toutes les dispositions d'un programme d'adhésion volontaire approuvé à son égard par le surintendant n'est passible d'aucune poursuite ou condamnation à la suite de la contravention à la présente loi que ce programme était destiné à corriger.

Exception, en cas de divulgation

(5) N'est coupable d'aucune infraction aux termes de l'alinéa (1) d) la personne qui n'était pas partie à l'infraction et a signalé l'omission de se conformer à la partie IX, conformément aux articles 150 ou 151.

Prescription

215 Est irrecevable la poursuite intentée relativement à une infraction à la présente partie plus de deux ans après que les faits sur lesquels elle se fonde ont été portés à la connaissance du surintendant.

Ordonnance de se conformer

216 Le tribunal qui prononce la déclaration de culpabilité peut, en plus de toute autre peine, ordonner à la personne reconnue coupable d'une infraction à la présente loi ou aux règlements de se conformer à la disposition à l'égard de laquelle elle a été déclarée coupable d'une infraction.

Restitution

217 Le tribunal qui prononce la déclaration de culpabilité peut, en plus de toute autre peine, ordonner à la personne reconnue coupable de l'infraction aux termes de la présente loi de verser une indemnité ou de faire restitution en conséquence.

PARTIE XIV

DISPOSITIONS DIVERSES ET RÈGLEMENTS

Dépôts par les personnes n'ayant pas la capacité de contracter

218 La compagnie inscrite peut, sans l'aide, le concours ni l'intervention d'une autre personne ou d'un fonctionnaire, recevoir les dépôts de toute personne, sans égard à son âge, sa qualité, sa condition ou sa capacité juridique de contracter.

person is qualified by law to enter into ordinary contracts or not, and from time to time may pay any or all of the principal thereof and any or all of the interest thereon to or to the order of the person, unless before payment, the money on deposit is claimed by some other person in a court proceeding to which the corporation is a party and in respect of which service of a statement of claim or other process originating such proceeding has been made on the corporation, or in any other proceeding pursuant to which an injunction or order made by the court requiring the corporation not to make payment of such money or to make payment thereof to some person other than the depositor has been served on the corporation, and in the case of any such claim so made the money so deposited may be paid to the depositor with the consent of the claimant or to the claimant with the consent of the depositor.

Direction as to disposition of deposits on death

219.—(1) A person who has deposits with a registered corporation not exceeding $2,000 may, by a writing, signed by him or her and deposited with the corporation, nominate any person to receive the amount thereof at his or her death.

Rights of corporation

(2) Upon receiving a statutory declaration as to the death of a person who has made a nomination under subsection (1), the corporation may substitute on its books the name of the nominee in place of the name of such person or may forthwith pay to the nominee the amount due.

Where no direction

(3) Where a depositor as described in subsection (1) dies without making a nomination in accordance with that subsection, the deposit may, without letters probate or letters of administration being taken out, be paid or transferred to,

(a) the person who appears to the corporation to be entitled under the will of such depositor or in the case of intestacy under the law relating to devolution of property to receive it; or

(b) any person who appears to the corporation to be equitably entitled thereto by reason of having incurred expense for the support, medical attendance or burial of the depositor,

upon receipt by the corporation of the statutory declaration of the person so claiming stating the time and place and death of the applicant and the facts supporting the claim.

Unclaimed deposits

220.—(1) Within thirty days of a deposit made in Ontario to a registered provincial corporation becoming an unclaimed deposit, the corporation shall pay to the Treasurer of Ontario the amount owing to the depositor, including interest, if any, in accordance with the agreement between the corporation and the depositor.

Elle peut de même verser à cette personne ou à son ordre, une partie ou la totalité du principal et des intérêts, sauf si, avant ce versement, les sommes déposées sont revendiquées par une autre personne dans une instance judiciaire à laquelle est partie la compagnie et que cette dernière a reçu signification d'une déclaration ou d'un autre acte introductif d'instance. Cette exception vaut aussi dans le cas de l'instance dans laquelle une injonction ou autre ordonnance enjoignant à la compagnie de ne pas verser la somme d'argent ou d'en effectuer le versement à une personne autre que le déposant a été rendue et signifiée à la compagnie. Si une telle revendication est présentée, les sommes déposées peuvent être versées soit au déposant, soit à l'auteur de la demande, de leur consentement réciproque.

Disposition des dépôts à la mort du déposant

219 (1) La personne dont les dépôts effectués auprès de la compagnie inscrite ne dépassent pas 2 000 $ peut, dans un écrit signé de sa main et déposé auprès de la compagnie, désigner le bénéficiaire de ces sommes à son décès.

Droits de la compagnie

(2) Dès réception d'une déclaration solennelle concernant le décès de la personne qui est l'auteur de la désignation visée au paragraphe (1), la compagnie peut, dans ses dossiers, substituer au nom de cette personne celui de la personne désignée ou peut immédiatement verser la somme due à la personne désignée.

Absence de disposition expresse

(3) Au décès du déposant visé au paragraphe (1) qui n'a pas fait de désignation aux termes de ce paragraphe, les sommes déposées peuvent, sans qu'il y ait délivrance de lettres d'homologation ou d'administration, être versées à la personne qui, de l'avis de la compagnie, paraît y avoir droit :

a) aux termes du testament du déposant ou de la loi qui régit les successions *ab intestat*, selon le cas;

b) en *equity*, en raison des frais engagés par celle-ci pour les aliments, le traitement médical ou l'inhumation du déposant.

Ceci peut se faire dès réception par la compagnie de la déclaration solennelle de l'auteur de la demande, indiquant la date et le lieu du décès du déposant et les faits à l'appui de sa demande.

Dépôts non réclamés

220 (1) Lorsqu'un dépôt fait en Ontario auprès d'une compagnie provinciale inscrite devient un dépôt non réclamé, la compagnie verse au trésorier de l'Ontario, dans les trente jours, le montant qui est dû au déposant, y compris les intérêts, le cas échéant, conformément à l'accord conclu entre la compagnie et le déposant.

Effect of payment

(2) Payment to the Treasurer under subsection (1) discharges the corporation from all liability in respect of the deposit.

Idem

(3) The Treasurer may pay an amount received under subsection (1) to a person claiming to be entitled to it upon being furnished with satisfactory proof of the person's entitlement.

Idem

(4) For the purpose of subsection (1), a deposit becomes an unclaimed deposit on the day ten years after the day on which the fixed term ended, in the case of a deposit for a fixed term, and, in any other case, the day on which the last transaction took place on the depositor's account or a statement of account was last requested or acknowledged by the depositor, whichever is latest.

Payments by mistake

221. Where a registered corporation, after the death of a depositor, has paid or transferred a deposit to the person who at the time appeared to be entitled thereto, the payment or transfer is valid with respect to any demand from any other person as legatee, next of kin or personal representative of the deceased against the corporation, but the legatee, next of kin or representative is entitled to recover the amount of the deposit from the recipient or transferee.

Delivery of notices

222.—(1) Delivery of any written notice or document for any purpose of this Act, where the mode is not otherwise specified, may be delivered by first class ordinary mail or first class registered mail,

(a) in the case of a registered corporation, addressed to it or its chief executive officer at its principal place of business;

(b) in the case of a director, addressed to the director at his or her address as shown on the records of the Superintendent; and

(c) in the case of the Superintendent, addressed to the Superintendent at his or her office.

Idem

(2) In the case of an extra-provincial corporation, a notice or document may be delivered in accordance with clause (1) (a) or may be delivered by first class or registered mail addressed to it or its agent or any of its agents at the address thereof as set out in the most recent application filed under section 32.

Regulations

223. The Lieutenant Governor in Council may make regulations,

Effet du versement

(2) Le versement du montant au trésorier aux termes du paragraphe (1) libère la compagnie de toute obligation en ce qui concerne le dépôt.

Idem

(3) Le trésorier peut verser un montant reçu aux termes du paragraphe (1) à la personne qui prétend y avoir droit, s'il reçoit des preuves satisfaisantes du droit de cette personne à ce montant.

Idem

(4) Pour l'application du paragraphe (1), un dépôt devient un dépôt non réclamé le dixième anniversaire de l'échéance, s'il s'agit d'un dépôt à échéance fixe, et, dans tous les autres cas, le dixième anniversaire de la dernière opération relative au compte du déposant, ou du dernier jour où le déposant a demandé un relevé de compte ou a accusé réception d'un tel relevé, selon le jour le plus récent.

Versement effectué par erreur

221 Le versement ou la cession par la compagnie inscrite, à la suite du décès du déposant, des sommes déposées à la personne qui paraissait alors y avoir droit est valable face à toute demande de la part du légataire, du plus proche parent ou de l'ayant droit du défunt. Ces personnes sont toutefois fondées à recouvrer ces sommes du bénéficiaire ou du cessionnaire.

Envoi des avis

222 (1) L'envoi d'un avis écrit ou autre document pour l'application de la présente loi s'effectue, à moins qu'un autre mode ne soit précisé, par courrier ordinaire ou recommandé de première classe :

a) dans le cas de la compagnie inscrite, à son adresse ou à celle du responsable de la direction à l'établissement principal de la compagnie;

b) dans le cas de l'administrateur, à l'adresse de ce dernier qui figure aux dossiers du surintendant;

c) dans le cas du surintendant, à son bureau.

Idem

(2) Dans le cas de la compagnie extraprovinciale, l'avis ou le document peut être envoyé, soit conformément à l'alinéa (1) a), soit par courrier de première classe ou recommandé à l'adresse de la compagnie ou de son mandataire ou de l'un d'eux à l'adresse qui figure à la demande la plus récente déposée aux termes de l'article 32.

Règlements

223 Le lieutenant-gouverneur en conseil peut, par règlement :

1. prescribing forms and providing for their use;

2. requiring the payment of annual fees and fees for letters patent of incorporation and supplementary letters patent and in respect of any function performed by the Superintendent or Director under this Act or the regulations and prescribing the amounts thereof;

3. exempting persons holding such percentage, as may be set out in the regulation, of shares of a corporation from the requirements of section 63;

4. exempting classes of corporations from the requirements of section 63;

5. respecting the records, papers and documents to be retained by corporations and the length of time they shall be so retained;

6. requiring the disclosure to borrowers of terms and conditions of loans and mortgages and of interest rates in lending transactions;

7. prescribing words or expressions that are prohibited in the name of a corporation and prescribing conditions for the use of names by corporations;

8. prescribing the information that shall be maintained in the Loan Corporations Register, the Trust Corporations Register and the public file of each corporation;

9. governing the custody and safekeeping of securities, property or trust assets registered in the name of or held by a registered corporation;

10. prescribing financial statements required under this Act and the method of their preparation;

11. prescribing information to be placed before the annual meeting of a corporation and requiring a corporation to make public such information as may be set out in the regulations;

12. governing the reporting of information to and by The Trust Companies Association of Canada Inc.;

1. prescrire des formules et prévoir les modalités de leur emploi;

2. exiger l'acquittement de droits annuels, ainsi que de droits pour la délivrance de lettres patentes de constitution et de lettres patentes supplémentaires, de même que de droits reliés à l'exercice des fonctions du surintendant ou du directeur aux termes de la présente loi ou des règlements, et prescrire les montants de ces droits;

3. soustraire à l'application de l'article 63 les détenteurs d'un pourcentage d'actions de la compagnie, tel que fixé au règlement;

4. soustraire à l'application de l'article 63 des catégories de compagnies;

5. prévoir les dossiers, écrits et documents que la compagnie doit conserver, de même que la durée de leur conservation;

6. exiger la divulgation aux emprunteurs des conditions dont sont assorties les prêts et les hypothèques, ainsi que des taux d'intérêts relatifs aux opérations de prêt;

7. prescrire des mots ou expressions dont l'emploi dans la dénomination sociale d'une compagnie est interdit, et prescrire les conditions d'utilisation de dénominations sociales par les compagnies;

8. prescrire les renseignements qui sont conservés dans le Registre des compagnies de prêt, le Registre des compagnies de fiducie, et le dossier public de chacune d'elles;

9. régir la garde et le maintien en lieu sûr des valeurs mobilières, des biens et notamment des biens détenus en fiducie, conservés par la compagnie inscrite ou inscrits à son nom;

10. prescrire les états financiers exigés aux termes de la présente loi, ainsi que la façon de les établir;

11. prescrire les renseignements devant être présentés lors de l'assemblée annuelle de la compagnie, et exiger que celle-ci rende publics les renseignements que prescrit le règlement;

12. régir la communication de renseignements à L'Association des compagnies de fiducie du Canada Inc., ainsi que leur diffusion par celle-ci;

13. prescribing the method of calculating the capital base of a corporation, including what assets may or may not be included therein and the manner in which the value of any such asset shall be calculated or determined for such purpose;

14. prescribing the method of calculating the total assets of a corporation, including the manner in which the value of any such asset shall be calculated or determined for such purpose;

15. prescribing classes of loans, investments or transactions for the purposes of Part IX;

16. prescribing limits in dollar amounts or in a percentage of total assets of investments in any asset or any class of assets and where a limit has been imposed by this Act with respect to any asset or class of assets, prescribing limits that are more restrictive than those set out in the Act;

17. prescribing the method of calculating liquidity of a corporation;

18. governing the issue of subordinated notes;

19. governing the establishment and operation of common trust funds and the investment of trust money in such funds;

20. requiring the bonding and insurance coverage of and for directors, officers, agents and employees of the corporation and of property of the corporation or held by it;

21. governing the activities of a registered corporation in dealing with persons who act as agents for the corporation and governing the relationships between the corporation and its agents;

22. designating statutes and ordinances for the purposes of clause 162 (2) (a);

23. prescribing a percentage for the purposes of clause 168 (1) (a);

24. governing the establishment of networks by registered corporations for the purpose of providing financial services to their clients;

13. prescrire le mode de calcul de l'apport en capital de la compagnie, y compris les biens devant être inclus ou non et, à cette fin, le mode d'évaluation de chacun de ces biens;

14. prescrire le mode de calcul de l'actif total de la compagnie, y compris le mode d'évaluation à cette fin de chacun des biens qui le composent;

15. prescrire des catégories de prêts, de placements ou d'opérations pour l'application de la partie IX;

16. prescrire la limite, soit en dollars, soit en pourcentage, du total de l'actif qui peut être placé dans un bien ou une catégorie de biens et, lorsqu'une limite est imposée par la présente loi relativement à un bien ou à une catégorie de biens, prescrire des limites plus restrictives que celles énoncées à la présente loi;

17. prescrire le mode de calcul des liquidités de la compagnie;

18. régir la délivrance des titres subalternes;

19. régir l'établissement et l'exploitation des fonds en fiducie collectifs et le placement dans ces fonds des sommes détenues en fiducie;

20. exiger la souscription de cautionnements par les administrateurs, dirigeants, mandataires et employés de la compagnie ainsi que la souscription d'assurances à leur égard et à l'égard des biens dont elle a la propriété ou qui sont confiés à sa garde;

21. régir les activités de la compagnie inscrite dans le cadre de ses rapports avec ses mandataires, ainsi que les rapports entre ces derniers et la compagnie;

22. désigner des lois et des ordonnances pour l'application de l'alinéa 162 (2) a);

23. prescrire un pourcentage pour l'application de l'alinéa 168 (1) a);

24. régir l'établissement de réseaux par des compagnies inscrites aux fins de fournir des services financiers à leurs clients;

25. prescribing information to be provided to security holders of a corporation and to persons on whose behalf a registered corporation holds securities of a body corporate as fiduciary or agent;

26. prescribing the conditions upon which a corporation may invest its funds in the fully paid voting shares of a dealer within the meaning of the *Securities Act*;

R.S.O. 1980, c. 466

27. prescribing procedures related to the payment of unclaimed deposits to the Treasurer of Ontario under section 220 and for claiming them from the Treasurer, requiring provincial corporations to give notices to depositors in relation thereto and to keep such records thereof as are prescribed;

28. permitting registered corporations to make loans to employees as described in subsection 142 (2) and prescribing the maximum amount of any such loan;

29. prescribing terms and conditions for the establishment and operation of subsidiaries;

30. relating to reports by auditors;

31. prescribing qualifications for appointment as an officer of a corporation;

32. prescribing duties for audit committees and investments committees;

33. prescribing any matter referred to in this Act as being prescribed by the regulations.

Return of security

224. A corporation that was required by a private Act to post any amount as security as a condition of registration may apply to the Superintendent to have the security released and, if the Superintendent approves of the release, the security shall be returned to the corporation.

Exemption from minimum capital requirements

225. The Superintendent may exempt a trust corporation that in other respects complies with this Act from compliance with the minimum capital requirements under subsection 10 (5) or clause 33 (a), subject to such terms and conditions as may be prescribed and to such terms and conditions as the Superintendent may impose, so long as the trust corporation is offering its services primarily in a community that, in the

25. prescrire les renseignements qui doivent être fournis aux détenteurs des valeurs mobilières d'une compagnie et aux personnes pour le compte desquelles la compagnie inscrite détient, à titre de fiduciaire ou de mandataire, des valeurs mobilières d'une personne morale;

26. prescrire les conditions sous lesquelles une compagnie peut investir ses fonds dans les actions assorties du droit de vote et entièrement libérées d'un courtier au sens de la *Loi sur les valeurs mobilières*; L.R.O. 1980, chap. 466

27. prescrire des procédures relativement au versement au trésorier de l'Ontario des dépôts non réclamés aux termes de l'article 220 et relativement à la réclamation de ces dépôts auprès du trésorier, et exiger que les compagnies provinciales donnent des avis aux déposants à l'égard de ces questions et qu'elles conservent à ce sujet les dossiers qui sont prescrits;

28. permettre aux compagnies inscrites de consentir des prêts à leurs employés, aux termes du paragraphe 142 (2), et prescrire le montant maximal d'un tel prêt;

29. prescrire les conditions relatives à l'établissement et à l'exploitation de filiales;

30. régir les rapports des vérificateurs;

31. prescrire les qualités requises pour accéder au poste de dirigeant d'une compagnie;

32. prescrire les obligations qui incombent aux comités de vérification et aux comités de placements;

33. prescrire toute question qui selon la présente loi est prescrite par les règlements.

Le cautionnement est retourné à la compagnie

224 La compagnie dont une condition de l'inscription, imposée par une loi d'intérêt privé, était de fournir un cautionnement peut demander au surintendant de faire libérer le cautionnement. Si le surintendant donne son approbation à la libération, le cautionnement est retourné à la compagnie.

Dispense d'observer les normes de capital minimal

225 Sous réserve des conditions prescrites et de celles que peut imposer le surintendant, celui-ci peut dispenser la compagnie de fiducie qui s'est par ailleurs conformée à la présente loi de l'observation des normes de capital minimal fixées par le paragraphe 10 (5) ou par l'alinéa 33 a), tant que ses services sont offerts principalement à une collectivité dont les besoins,

opinion of the Superintendent, would not otherwise be adequately served by a trust corporation.

Transition, capital levels

226.—(1) Notwithstanding any other provision of this Act, where a corporation, immediately before the coming into force of clause 33 (a) of this Act, was registered under the *Loan and Trust Corporations Act*, being chapter 249 of the Revised Statutes of Ontario, 1980, the minimum capital requirements under that clause shall not apply to the corporation until the 1st day of January, 1991 so long as the corporation maintains the minimum capital requirements required by the predecessor of this Act or such greater minimum capital requirements as the Lieutenant Governor in Council may order.

Extension of time

(2) The Lieutenant Governor in Council may extend the period for compliance with minimum capital requirements under clause 33 (a), beyond the 1st day of January, 1991, subject to such terms and conditions as the Lieutenant Governor in Council may impose.

Transition, directors

(3) Notwithstanding any other provision of this Act, the board of directors of a loan corporation or a trust corporation in office immediately before the coming into force of this section may continue in office until the annual meeting next following the coming into force of this section.

Transition, quantum limits on investments

(4) Notwithstanding that an investment was made by a registered corporation or any of its subsidiaries before the coming into force of this section, the corporation or subsidiary shall divest itself of the investment within twelve months of the coming into force of this section, if the investment, had it been made after the coming into force of this section, would exceed any limit imposed by section 163, 167 or 168.

Duration of authority to carry on business

227.—(1) No corporation shall carry on the business of a loan corporation or of a trust corporation after the 1st day of July, 1996.

Extension of time

(2) The Lieutenant Governor in Council may make regulations changing the date set out in subsection (1) to a date not later than the 1st day of July, 1997.

PART XV

AMENDMENTS, REPEALS, COMMENCEMENT, SHORT TITLE

228.—(1) Section 1 of the *Ministry of Colleges and Universities Act*, being chapter 272 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

de l'avis du surintendant, ne seraient pas autrement satisfaits de façon convenable par une compagnie de fiducie.

Dispositions transitoires relatives aux normes de capital

226 (1) Malgré toute autre disposition de la présente loi, les normes de capital minimal fixées par l'alinéa 33 a) ne s'appliquent pas avant le 1er janvier 1991 à la compagnie qui était, immédiatement avant l'entrée en vigueur de cet alinéa, inscrite en vertu de la *Loi sur les compagnies de prêt et de fiducie*, qui constitue le chapitre 249 des Lois refondues de l'Ontario de 1980. La présente disposition s'applique tant que la compagnie observe les normes de capital minimal fixées en vertu de la loi que la présente loi remplace, ou les normes plus élevées décrétées par le lieutenant-gouverneur en conseil.

Prorogation du délai

(2) Le lieutenant-gouverneur en conseil peut, sous réserve des conditions qu'il fixe éventuellement, proroger au-delà du 1er janvier 1991 le délai imparti aux compagnies pour se conformer aux normes de capital minimal fixées par l'alinéa 33 a).

Dispositions transitoires relatives aux administrateurs

(3) Malgré toute autre disposition de la présente loi, le mandat des administrateurs de la compagnie de prêt ou de la compagnie de fiducie qui étaient en fonction immédiatement avant l'entrée en vigueur du présent article se poursuit jusqu'à l'assemblée annuelle qui suit l'entrée en vigueur du présent article.

Dispositions transitoires, limite relative aux montants des placements

(4) Même dans le cas des placements effectués avant l'entrée en vigueur du présent article, la compagnie inscrite ou sa filiale est tenue de se dessaisir, dans les douze mois de l'entrée en vigueur du présent article, des placements dont le montant dépasserait la limite fixée par les articles 163, 167 ou 168, s'ils avaient été effectués après l'entrée en vigueur du présent article.

Date limite de l'exercice de ses activités

227 (1) Nulle compagnie ne peut poursuivre les activités d'une compagnie de prêt ou d'une compagnie de fiducie au-delà du 1er juillet 1996.

Prorogation du délai

(2) Le lieutenant-gouverneur en conseil peut, par règlement, porter la date fixée au paragraphe (1) à une date qui n'est pas postérieure au 1er juillet 1997.

PARTIE XV

MODIFICATIONS, ABROGATIONS, ENTRÉE EN VIGUEUR, TITRE ABRÉGÉ

228 (1) L'article 1 de la *Loi sur le ministère des Collèges et Universités*, qui constitue le chapitre 272 des Lois refondues de l'Ontario de 1980, est abrogé et remplacé par ce qui suit :

Definitions

1. In this Act,

"financial institution" means a bank named in Schedule A or B to the *Bank Act* (Canada), a loan corporation or a trust corporation registered under the *Loan and Trust Corporations Act, 1987* or a credit union or caisse populaire incorporated or registered under the *Credit Unions and Caisses Populaires Act*;

1980-81, c. 40 (Can.)
1987, c. 33
R.S.O. 1980, c. 102

"Minister" means the Minister of Colleges and Universities;

"Ministry" means the Ministry of Colleges and Universities.

(2) Subsection 8 (1) of the said Act is amended by striking out "chartered bank to which the *Bank Act* (Canada) applies, or by a credit union, as defined in the *Credit Unions and Caisses Populaires Act*" in the fifth, sixth and seventh lines and inserting in lieu thereof "financial institution".

(3) Subsection 9 (1) and clauses 9 (2) (a), (c), (d), (h), (i) and (j) of the said Act are amended by striking out "bank or credit union" wherever that expression occurs and inserting in lieu thereof in each instance "financial institution".

(4) Clauses 9 (2) (e), (f) and (g) of the said Act are amended by striking out "banks or credit unions" wherever that expression occurs and inserting in lieu thereof in each instance "financial institutions".

229. Subparagraph ii of paragraph 32 of subsection 1 (1) of the *Securities Act*, being chapter 466 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

ii. administered by a trust corporation registered under the *Loan and Trust Corporations Act, 1987* and consists of a common trust fund as defined in section 1 of that Act.

1987, c. 33

Repeals

230. The following are repealed:

1. The *Loan and Trust Corporations Act*, being chapter 249 of the Revised Statutes of Ontario, 1980.

2. The *Loan and Trust Corporations Amendment Act, 1982*, being chapter 62.

3. Section 30 of the *Equality Rights Statute Law Amendment Act, 1986*, being chapter 64.

1. In this Act, Definitions

"financial institution" means a bank named in Schedule A or B to the *Bank Act* (Canada), a loan corporation or a trust corporation registered under the *Loan and Trust Corporations Act, 1987* or a credit union or caisse populaire incorporated or registered under the *Credit Unions and Caisses Populaires Act*; 1980-81, c. 40 (Can.) 1987, c. 33 R.S.O. 1980, c. 102

"Minister" means the Minister of Colleges and Universities;

"Ministry" means the Ministry of Colleges and Universities.

(2) Le paragraphe 8 (1) de la loi est modifié par substitution, à "chartered bank to which the *Bank Act* (Canada) applies, or by a credit union, as defined in the *Credit Unions and Caisses Populaires Act*" aux cinquième, sixième et septième lignes, de "financial institution".

(3) Le paragraphe 9 (1) et les alinéas 9 (2) a), c), d), h), i) et j) de la loi sont modifiés par substitution, à "bank or credit union" partout où figure cette expresssion, de "financial institution".

(4) Les alinéas 9 (2) e), f) et g) de la loi sont modifiés par substitution, à "banks or credit unions" partout où figure cette expression, de "financial institutions".

229 La sous-disposition ii de la disposition 32 du paragraphe 1 (1) de la *Loi sur les valeurs mobilières*, qui constitue le chapitre 466 des Lois refondues de l'Ontario de 1980, est abrogée et remplacée par ce qui suit :

ii. administered by a trust corporation registered under the *Loan and Trust Corporations Act, 1987* and consists of a common trust fund as defined in section 1 of that Act. 1987, c. 33

230 Sont abrogées : Abrogations

1. La *Loi sur les compagnies de prêt et de fiducie*, qui constitue le chapitre 249 des Lois refondues de l'Ontario de 1980.

2. La *Loi de 1982 modifiant la Loi sur les compagnies de prêt et de fiducie*, qui constitue le chapitre 62.

3. L'article 30 de la *Loi de 1986 modifiant des lois concernant les droits à l'égalité*, qui constitue le chapitre 64.

Commencement

231. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

232. The short title of this Act is the *Loan and Trust Corporations Act, 1987*.

231 La présente loi entre en vigueur le jour que le lieutenant-gouverneur fixe par proclamation. Entrée en vigueur

232 Le titre abrégé de la présente loi est *Loi de 1987 sur les compagnies de prêt et de fiducie*. Titre abrégé

CHAPTER 34

An Act to provide for Pay Equity

Assented to June 29th, 1987

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Whereas it is desirable that affirmative action be taken to redress gender discrimination in the compensation of employees employed in female job classes in Ontario;

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Loi portant établissement de l'équité salariale

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40. Entrée en vigueur
41. Titre abrégé

Préambule

Attendu qu'il est souhaitable que des mesures concrètes soient prises aux fins d'éliminer la discrimination fondée sur le sexe en matière de rétribution des employés oeuvrant dans des catégories d'emplois à prédominance féminine en Ontario;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

General

Definitions

1.—(1) In this Act,

"agent négociateur" R.S.O. 1980, c. 228

"bargaining agent" means a trade union as defined in the *Labour Relations Act* that has the status of exclusive bargaining agent under that Act in respect of any bargaining unit or units in an establishment and includes an organization representing employees to whom this Act applies where such organization has exclusive bargaining rights under any other Act in respect of such employees;

"convention collective"

"collective agreement" means an agreement in writing between an employer and a bargaining agent covering terms and conditions of employment;

"Commission"

"Commission" means the Pay Equity Commission of Ontario established by this Act;

"rétribution"

"compensation" means all payments and benefits paid or provided to or for the benefit of a person who performs functions that entitle the person to be paid a fixed or ascertainable amount;

"date d'entrée en vigueur"

"effective date" means the day this Act comes into force;

"employé"

"employee" does not include a student employed for his or her vacation period;

"établissement"

"establishment" means all of the employees of an employer employed in a geographic division or in such geographic divisions as are agreed upon under section 14 or decided upon under section 15;

"catégorie d'emplois à prédominance féminine"

"female job class" means, except where there has been a decision that a job class is a male job class as described in clause (b) of the definition of "male job class",

(a) a job class in which 60 per cent or more of the members are female,

Sa Majesté, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, décrète ce qui suit :

PARTIE I

Dispositions générales

Définitions

1 (1) Les définitions qui suivent s'appliquent à la présente loi.

«agent de révision» Personne désignée comme agent de révision aux termes du paragraphe 34 (1). «review officer»

«agent négociateur» S'entend d'un syndicat au sens de la *Loi sur les relations de travail*, en sa qualité d'agent négociateur exclusif aux termes de cette loi à l'égard d'une ou de plusieurs unités de négociation au sein d'un établissement. S'entend en outre d'une organisation qui représente des employés auxquels s'applique la présente loi, si cette organisation est titulaire de droits exclusifs de négociation en vertu d'une autre loi à l'égard de ces employés. «bargaining agent» L.R.O. 1980, chap. 228

«catégorie d'emplois» Les postes qui présentent, au sein d'un établissement, des fonctions et des responsabilités semblables, qui exigent des qualités semblables, dont les procédures de recrutement sont semblables et qui offrent une même grille de rétribution, un même niveau de salaire ou une même gamme de taux de salaire. «job class»

«catégorie d'emplois à prédominance féminine» S'entend, sauf lorsqu'il a été décidé qu'une catégorie d'emplois est une catégorie d'emplois à prédominance masculine telle que décrite à l'alinéa b) de la définition de «catégorie d'emplois à prédominance masculine» : «female job class»

a) d'une catégorie d'emplois dont 60 pour cent ou plus des membres sont des femmes;

b) d'une catégorie d'emplois qu'un agent de révision ou que le Tribunal décide de désigner comme catégorie d'emplois à prédominance féminine ou d'une catégorie d'emplois que l'employeur avec, le cas échéant, l'assentiment de l'agent négociateur des employés de l'employeur, décide de désigner comme catégorie d'emplois à prédominance féminine.

«catégorie d'emplois à prédominance masculine» S'entend, sauf lorsqu'il a été décidé qu'une catégorie d'emplois est une catégorie d'emplois à prédominance féminine telle que «male job class»

(b) a job class that a review officer or the Hearings Tribunal decides is a female job class or a job class that the employer, with the agreement of the bargaining agent, if any, for the employees of the employer, decides is a female job class;

"zone géographique" "geographic division" means,

(a) a county, territorial district or regional municipality described in the *Territorial Division Act*, R.S.O. 1980, c. 497

(b) The Municipality of Metropolitan Toronto,

and for the purposes of this Act, the Territorial District of Sudbury and The Regional Municipality of Sudbury shall be considered to be one geographic division;

"Tribunal" "Hearings Tribunal" means the Pay Equity Hearings Tribunal established by this Act;

"catégorie d'emplois" "job class" means those positions in an establishment that have similar duties and responsibilities and require similar qualifications, are filled by similar recruiting procedures and have the same compensation schedule, salary grade or range of salary rates;

"taux de catégorie" "job rate" means the highest rate of compensation for a job class;

"catégorie d'emplois à prédominance masculine" "male job class" means, except where there has been a decision that a job class is a female job class as described in clause (b) of the definition of "female job class",

(a) a job class in which 70 per cent or more of the members are male, or

(b) a job class that a review officer or the Hearings Tribunal decides is a male job class or a job class that the employer, with the agreement of the bargaining agent, if any, for the employees of the employer, decides is a male job class;

"ministre" "Minister" means the Minister of Labour;

"programme d'équité salariale" "pay equity plan" means a document as described in section 13;

décrite à l'alinéa b) de la définition de «catégorie d'emplois à prédominance féminine» :

a) d'une catégorie d'emplois dont 70 pour cent ou plus des membres sont des hommes;

b) d'une catégorie d'emplois qu'un agent de révision ou que le Tribunal décide de désigner comme catégorie d'emplois à prédominance masculine ou d'une catégorie d'emplois que l'employeur avec, le cas échéant, l'assentiment de l'agent négociateur des employés de l'employeur, décide de désigner comme catégorie d'emplois à prédominance masculine.

«Commission» La Commission de l'équité salariale de l'Ontario créée par la présente loi. «Commission»

«convention collective» Convention écrite conclue entre un employeur et un agent négociateur et qui traite des conditions d'emploi. «collective agreement»

«date d'entrée en vigueur» Le jour de l'entrée en vigueur de la présente loi. «effective date»

«employé» Sont exclus les étudiants employés pendant leurs vacances. «employee»

«établissement» Tous les employés d'un employeur employés dans une même zone géographique ou des zones géographiques convenues aux termes de l'article 14 ou déterminées aux termes de l'article 15. «establishment»

«ministre» Le ministre du Travail. «Minister»

«programme d'équité salariale» Document décrit à l'article 13. «pay equity plan»

«règlements» Les règlements pris en application de la présente loi. «regulations»

«rétribution» Tous les paiements et avantages versés ou accordés à la personne qui exerce des fonctions lui donnant droit au versement d'une somme fixe ou vérifiable, ou au profit de cette personne. «compensation»

«secteur privé» Tous les employeurs qui ne font pas partie du secteur public. «private sector»

«secteur public» Tous les employeurs qui sont mentionnés à l'annexe. «public sector»

"secteur privé" "private sector" means all of the employers who are not in the public sector;

"secteur public" "public sector" means all of the employers who are referred to in the Schedule;

"règlements" "regulations" means the regulations made under this Act;

"agent de révision" "review officer" means a person designated as a review officer under subsection 34 (1).

Posting (2) Where this Act requires that a document be posted in the work place, the employer shall post a copy of the document in prominent places in each work place for the establishment to which the document relates in such a manner that it may be read by all of the employees in the work place.

Idem (3) The employer shall provide a copy of every document posted in the work place under this Act,

(a) to the bargaining agent, if any, that represents the employees who are affected by the document;

(b) to any employee who requests a copy of the document, if the employee is not represented by a bargaining agent and the employee is affected by the document.

Calculation of number of employees (4) If Part II or III applies to an employer, a reference in this Act to the number of employees of the employer shall be deemed to be a reference to the average number of employees employed in Ontario by the employer during the twelve-month period preceding the effective date or during the period from the day the first employee commenced employment in Ontario with the employer until the effective date, whichever period is shorter.

Decisions re job classes (5) In deciding or agreeing whether a job class is a female job class or a male job class, regard shall be had to the historical incumbency of the job class, gender stereotypes of fields of

«taux de catégorie» Taux de rétribution le plus élevé relié à une catégorie d'emplois donnée. «job rate»

«Tribunal» Le Tribunal de l'équité salariale créé par la présente loi. «Hearings Tribunal»

«zone géographique» S'entend : «geographic division»

a) d'un comté, d'un district territorial ou d'une municipalité régionale au sens de la *Loi sur la division territoriale*; L.R.O. 1980, chap. 497

b) de la municipalité de la communauté urbaine de Toronto.

Pour l'application de la présente loi, le district territorial de Sudbury et la municipalité régionale de Sudbury sont considérés comme formant une seule zone géographique.

(2) Lorsque la présente loi exige l'affichage d'un écrit sur les lieux de travail, l'employeur en affiche un exemplaire dans des endroits bien en vue dans chaque lieu de travail de l'établissement auquel se rapporte l'écrit, de façon que tous les employés puissent le consulter. Affichage

(3) L'employeur fournit une copie de chaque écrit affiché sur les lieux de travail aux termes de la présente loi : Idem

a) à l'agent négociateur, le cas échéant, qui représente les employés qui sont concernés par l'écrit;

b) à tout employé qui demande une copie de l'écrit, si cet employé n'est pas représenté par un agent négociateur et que l'employé est concerné par l'écrit.

(4) Si les parties II ou III s'appliquent à un employeur, la mention dans la présente loi du nombre d'employés de l'employeur est réputée une mention du nombre moyen d'employés de l'employeur en Ontario au cours de la plus courte des périodes suivantes : soit la période de douze mois qui précède la date d'entrée en vigueur, soit la période qui se situe entre la date du début en Ontario de l'emploi, au service de l'employeur, du premier employé et la date d'entrée en vigueur. Calcul du nombre d'employés

(5) Aux fins de décider si une catégorie d'emplois est une catégorie d'emplois à prédominance féminine ou une catégorie d'emplois à prédominance masculine, ou de convenir de la prédominance d'une catégorie d'emplois, il est tenu compte du sexe des personnes qui exercent traditionnellement ces Détermination de la catégorie d'emplois

work and such other criteria as may be prescribed by the regulations.

One-member job classes

(6) A job class may consist of only one position if it is unique in the establishment because its duties, responsibilities, qualifications, recruiting procedures or compensation schedule, salary grade or range of salary rates are not similar to those of any other position in the establishment.

Disabled, etc., not to be classed separately

(7) A position shall not be assigned to a job class different than that of other positions in the same establishment that have similar duties and responsibilities, require similar qualifications, are filled by similar recruiting procedures and have the same compensation schedule, salary grade or range of salary rates only because the needs of the occupant of the position have been accommodated for the purpose of complying with the *Human Rights Code, 1981*.

1981, c. 53

Combined establishments

2.—(1) Two or more employers and the bargaining agent or agents for their employees, who come together to negotiate a central agreement, may agree that, for the purposes of a pay equity plan, all the employees constitute a single establishment and the employers shall be considered to be a single employer.

Idem

(2) Two or more employers who are municipalities in the same geographic division and the bargaining agent or agents for their employees or, if there is no bargaining agent, the employees, may agree that, for the purposes of a pay equity plan, all the employees constitute a single establishment and the employers shall be considered to be a single employer.

Employers to implement plans

(3) Notwithstanding that the employees of two or more employers are considered to be one establishment under subsection (1) or (2), each employer is responsible for implementing and maintaining the pay equity plan with respect to the employer's employees.

Application

3.—(1) This Act applies to all employers in the private sector in Ontario who employ ten or more employees, all employers in the public sector, the employees of employers to whom this Act applies and to their bargaining agents, if any.

emplois, des stéréotypes sexuels attachés à des domaines d'emplois, ainsi que des autres critères qui peuvent être prescrits par les règlements.

Catégorie d'emplois à membre unique

(6) Une catégorie d'emplois peut ne comprendre qu'un seul poste, si celui-ci est d'un caractère unique au sein de l'établissement en raison du fait que les fonctions, les responsabilités, les qualités requises, les procédures de recrutement ou la grille de rétribution, le niveau de salaire ou la gamme de taux de salaire qui lui sont reliés ne sont pas semblables à ceux qui sont reliés aux autres postes au sein de l'établissement.

Interdiction de classer les personnes handicapées, etc., séparément 1981, chap. 53

(7) Un poste ne doit pas, uniquement à cause du fait qu'il a été tenu compte des besoins de son titulaire afin d'observer le *Code des droits de la personne (1981)*, être placé dans une catégorie d'emplois différente de celle d'autres postes du même établissement qui présentent des fonctions et des responsabilités semblables, qui exigent des qualités semblables, dont les procédures de recrutement sont semblables et qui offrent une même grille de rétribution, un même niveau de salaire ou une même gamme de taux de salaire.

Établissements combinés

2 (1) Lorsque deux employeurs ou plus rencontrent l'agent négociateur ou les agents négociateurs de leurs employés en vue de négocier une convention centrale, ils peuvent convenir qu'aux fins d'un programme d'équité salariale, tous les employés ne constituent qu'un seul établissement et tous les employeurs sont réputés un seul employeur.

Idem

(2) Deux employeurs ou plus qui sont des municipalités situées dans la même zone géographique et l'agent négociateur ou les agents négociateurs de leurs employés, ou, s'il n'y a pas d'agent négociateur, les employés, peuvent convenir qu'aux fins d'un programme d'équité salariale, les employés ne constituent qu'un seul établissement, et les employeurs sont réputés un seul employeur.

Les employeurs responsables des programmes

(3) Malgré le fait que des employés de deux ou plusieurs employeurs sont réputés ne constituer qu'un seul établissement aux termes du paragraphe (1) ou (2), chaque employeur est responsable de la mise en oeuvre et du maintien du programme d'équité salariale visant les employés de l'employeur.

Champ d'application

3 (1) La présente loi s'applique à tous les employeurs du secteur privé en Ontario qui emploient dix employés ou plus, à tous les employeurs du secteur public, aux employés des employeurs auxquels s'applique la présente loi, ainsi qu'aux agents négociateurs de ces employés, le cas échéant.

Idem

(2) If at any time after the coming into force of this Act an employer employs ten or more employees in Ontario, this Act applies with respect to the employer although the number of employees is subsequently reduced to fewer than ten.

Purpose

4.—(1) The purpose of this Act is to redress systemic gender discrimination in compensation for work performed by employees in female job classes.

Identification of systemic gender discrimination

(2) Systemic gender discrimination in compensation shall be identified by undertaking comparisons between each female job class in an establishment and the male job classes in the establishment in terms of compensation and in terms of the value of the work performed.

Value determination

5.—(1) For the purposes of this Act, the criterion to be applied in determining value of work shall be a composite of the skill, effort and responsibility normally required in the performance of the work and the conditions under which it is normally performed.

Idem, disabled employees, etc.
1981, c. 53

(2) The fact that an employee's needs have been accommodated for the purpose of complying with the *Human Rights Code, 1981* shall not be considered in determining the value of work performed.

Achievement of pay equity

6.—(1) For the purposes of this Act, pay equity is achieved when the job rate for the female job class that is the subject of the comparison is at least equal to the job rate for a male job class in the same establishment where the work performed in the two job classes is of equal or comparable value.

Idem

(2) Where there is no male job class with which to make a comparison for the purposes of subsection (1), pay equity is achieved when the job rate for the female job class that is the subject of the comparison is at least equal to the job rate of a male job class in the same establishment that at the time of comparison had a higher job rate but performs work of lower value than the female job class.

Basis of comparison

(3) If more than one comparison is possible between a female job class in an establishment and male job classes in the same establishment, pay equity is achieved when the job

Idem

(2) Lorsqu'un employeur emploie dix employés ou plus en Ontario après l'entrée en vigueur de la présente loi, celle-ci s'applique à lui, même si le nombre de ses employés est par la suite réduit à moins de dix.

Objet

4 (1) La présente loi a pour objet d'éliminer la discrimination systémique entre les sexes, en ce qui concerne la rétribution du travail effectué par les employés dans les catégories d'emplois à prédominance féminine.

Repérage de la discrimination systémique entre les sexes

(2) Le repérage de la discrimination systémique entre les sexes en ce qui concerne la rétribution se fait au moyen de comparaisons établies entre chacune des catégories d'emplois à prédominance féminine et les catégories d'emplois à prédominance masculine dans un même établissement au niveau de la rétribution et de la valeur du travail accompli.

Détermination de la valeur

5 (1) Pour l'application de la présente loi, le critère qui sert à déterminer la valeur du travail se fonde sur l'habileté, l'effort et la responsabilité qu'exige normalement l'accomplissement de ce travail, ainsi que sur les conditions dans lesquelles il est normalement effectué.

Idem, personnes handicapées, etc.

(2) Le fait qu'il a été tenu compte des besoins d'un employé afin d'observer le *Code des droits de la personne (1981)* n'est pas pris en considération dans la détermination de la valeur du travail effectué.

1981, chap. 53

Équité salariale atteinte

6 (1) Pour l'application de la présente loi, l'équité salariale est atteinte lorsque le taux de catégorie relié à la catégorie d'emplois à prédominance féminine qui fait l'objet de la comparaison est au moins égal au taux de catégorie relié à une catégorie d'emplois à prédominance masculine dans le même établissement, si le travail effectué au niveau des deux catégories est de valeur égale ou comparable.

Idem

(2) S'il n'existe aucune catégorie d'emplois à prédominance masculine avec laquelle peut être établie une comparaison pour l'application du paragraphe (1), l'équité salariale est atteinte lorsque le taux de catégorie relié à la catégorie d'emplois à prédominance féminine qui fait l'objet de la comparaison est au moins égal au taux de catégorie d'une catégorie d'emplois à prédominance masculine du même établissement qui avait, au moment de la comparaison, un taux de catégorie supérieur, mais qui effectue un travail d'une valeur inférieure à celui de la catégorie d'emplois à prédominance féminine.

Fondement de la comparaison

(3) Si une catégorie d'emplois à prédominance féminine dans un établissement et des catégories d'emplois à prédominance masculine dans le même établissement se prêtent à plusieurs comparaisons, l'équité salariale est atteinte lorsque le

rate for the female job class is at least as great as the job rate for the male job class,

(a) with the lowest job rate, if the work performed in both job classes is of equal or comparable value; or

(b) with the highest job rate, if the work performed in the male job class is of less value.

Idem

(4) Comparisons required by this Act,

(a) for job classes inside a bargaining unit, shall be made between job classes in the bargaining unit; and

(b) for job classes outside any bargaining unit, shall be made between job classes that are outside any bargaining unit.

Idem

(5) If, after applying subsection (4), no male job class is found in which the work performed is of equal or comparable value to that of the female job class that is the subject of the comparison, the female job class shall be compared to male job classes throughout the establishment.

Groups of jobs

(6) An employer may treat job classes that are arranged in a group of jobs as one female job class if 60 per cent or more of the employees in the group are female.

Idem

(7) An employer shall treat job classes that are arranged in a group of jobs as one female job class if a review officer or the Commission decides that the group should be treated as one female job class.

Idem

(8) An employer may, with the agreement of the bargaining agent, if any, for the employees of the employer, decide to treat job classes that are arranged in a group of jobs as one female job class.

taux de catégorie relié à la catégorie d'emplois à prédominance féminine est au moins égal au taux de catégorie relié à la catégorie d'emplois à prédominance masculine :

a) qui a le taux de catégorie le plus bas, si le travail effectué dans les deux catégories d'emplois est de valeur égale ou comparable;

b) qui a le taux de catégorie le plus élevé, si le travail effectué dans la catégorie d'emplois à prédominance masculine est de valeur inférieure.

Idem (4) Les comparaisons exigées par la présente loi sont établies :

a) entre des catégories d'emplois qui appartiennent à l'unité de négociation, en ce qui concerne les catégories d'emplois appartenant à une unité de négociation;

b) entre des catégories d'emplois qui n'appartiennent à aucune unité de négociation, en ce qui concerne les catégories d'emplois n'appartenant pas à une unité de négociation.

Idem (5) Lorsque, après l'application du paragraphe (4), il ne se trouve aucune catégorie d'emplois à prédominance masculine dans laquelle s'effectue un travail de valeur égale ou comparable au travail qui s'effectue dans la catégorie d'emplois à prédominance féminine qui fait l'objet de la comparaison, celle-ci est comparée aux catégories d'emplois à prédominance masculine de l'ensemble de l'établissement.

Groupes d'emplois (6) L'employeur peut traiter des catégories d'emplois qui sont réunies dans un groupe d'emplois comme une seule catégorie d'emplois à prédominance féminine si 60 pour cent ou plus des employés du groupe sont des femmes.

Idem (7) L'employeur traite des catégories d'emplois qui sont réunies dans un groupe d'emplois comme une seule catégorie d'emplois à prédominance féminine si un agent de révision ou la Commission décide que le groupe doit être traité comme une catégorie d'emplois à prédominance féminine.

Idem (8) L'employeur peut, avec l'assentiment de l'agent négociateur des employés de l'employeur, le cas échéant, décider de traiter des catégories d'emplois qui sont réunies dans un groupe d'emplois comme une seule catégorie d'emplois à prédominance féminine.

Job rate, value of work

(9) Where a group of jobs is being treated as a female job class, the job rate of the individual job class within the group that has the greatest number of employees is the job rate for the group and the value of the work performed by that individual job class is the value of the work performed by the group.

Definition "groupe d'emplois"

(10) In this section, "group of jobs" means a series of job classes that bear a relationship to each other because of the nature of the work required to perform the work of each job class in the series and that are organized in successive levels.

Pay equity required

7.—(1) Every employer shall establish and maintain compensation practices that provide for pay equity in every establishment of the employer.

Idem

(2) No employer or bargaining agent shall bargain for or agree to compensation practices that, if adopted, would cause a contravention of subsection (1).

Exclusions from determination

8.—(1) This Act does not apply so as to prevent differences in compensation between a female job class and a male job class if the employer is able to show that the difference is the result of,

(a) a formal seniority system that does not discriminate on the basis of gender;

(b) a temporary employee training or development assignment that is equally available to male and female employees and that leads to career advancement for those involved in the program;

(c) a merit compensation plan that is based on formal performance ratings and that has been brought to the attention of the employees and that does not discriminate on the basis of gender;

(d) the personnel practice known as red-circling, where, based on a gender-neutral re-evaluation process, the value of a position has been down-graded and the compensation of the incumbent employee has been frozen or his or her increases in compensation have been curtailed until the compensation for the down-graded position is equivalent to or greater than the compensation payable to the incumbent; or

Taux de catégorie, valeur du travail

(9) Lorsque l'employeur traite un groupe d'emplois comme une catégorie d'emplois à prédominance féminine, le taux de catégorie de la catégorie d'emplois particulière au sein du groupe qui comporte le plus grand nombre d'employés est le taux de catégorie de ce groupe. La valeur du travail effectué par la catégorie particulière est la valeur du travail effectué par le groupe.

Définition «group of jobs»

(10) Dans le présent article, «groupe d'emplois» s'entend d'une série de catégories d'emplois qui sont reliées entre elles en raison de la nature des tâches que comporte chaque catégorie d'emplois de la série, et réparties en grades consécutifs.

Équité salariale obligatoire

7 (1) L'employeur établit et maintient des pratiques de rétribution assurant l'équité salariale dans chacun de ses établissements.

Idem

(2) Il est interdit à l'employeur et à l'agent négociateur de négocier en vue d'obtenir l'établissement ou le maintien de pratiques de rétribution qui, si elles étaient adoptées, entraîneraient une contravention au paragraphe (1). Il leur est également interdit de convenir de telles pratiques.

Exceptions

8 (1) La présente loi n'a pas pour effet d'empêcher un écart de rétribution entre une catégorie d'emplois à prédominance féminine et une catégorie d'emplois à prédominance masculine, si l'employeur peut démontrer que l'écart résulte :

a) d'un système organisé d'ancienneté exempt de discrimination fondée sur le sexe;

b) d'un programme d'affectations temporaires de formation ou de perfectionnement des employés dont peuvent se prévaloir également les employés féminins et les employés masculins et qui mène à l'avancement de ceux qui y participent;

c) d'un régime de rétribution au mérite fondé sur un système organisé d'évaluation du rendement préalablement porté à la connaissance des employés et exempt de discrimination fondée sur le sexe;

d) de la pratique de gestion du personnel dite du «salaire étoilé» lorsque, à la suite d'un processus non sexiste de réévaluation, un poste a été déclassé et que la rétribution de l'employé a été bloquée ou que toute augmentation de sa rétribution a été suspendue jusqu'à ce que la rétribution reliée au poste déclassé devienne égale ou supérieure à la rétribution de l'employé;

(e) a skills shortage that is causing a temporary inflation in compensation because the employer is encountering difficulties in recruiting employees with the requisite skills for positions in the job class.

Idem

(2) After pay equity has been achieved in an establishment, this Act does not apply so as to prevent differences in compensation between a female job class and a male job class if the employer is able to show that the difference is the result of differences in bargaining strength.

Idem

(3) A position that an employer designates as a position that provides employment on a casual basis may be excluded in determining whether a job class is a female job class or a male job class and need not be included in compensation adjustments under a pay equity plan.

Idem

(4) A position shall not be designated under subsection (3) if,

(a) the work is performed for at least one-third of the normal work period that applies to similar full-time work;

(b) the work is performed on a seasonal basis in the same position for the same employer; or

(c) the work is performed on a regular and continuing basis, although for less than one-third of the normal work period that applies to similar full-time work.

Reduction of compensation prohibited

9.—(1) An employer shall not reduce the compensation payable to any employee or reduce the rate of compensation for any position in order to achieve pay equity.

Intimidation prohibited

(2) No employer, employee or bargaining agent and no one acting on behalf of an employer, employee or bargaining agent shall intimidate, coerce or penalize, or discriminate against, a person,

(a) because the person may participate, or is participating, in a proceeding under this Act;

e) de l'absence de main-d'oeuvre qualifiée qui engendre une inflation temporaire de la rétribution provoquée par la difficulté qu'éprouve l'employeur à recruter des employés satisfaisant aux exigences des postes au sein d'une catégorie d'emplois.

Idem (2) Lorsque l'équité salariale est atteinte dans un établissement, la présente loi n'a pas pour effet d'empêcher des écarts de rétribution entre une catégorie d'emplois à prédominance féminine et une catégorie d'emplois à prédominance masculine si l'employeur peut démontrer que l'écart résulte de différences au niveau du pouvoir de négociation.

Idem (3) Aux fins de déterminer si une catégorie d'emplois est une catégorie d'emplois à prédominance féminine ou une catégorie d'emplois à prédominance masculine, il n'est pas nécessaire de tenir compte des postes que l'employeur désigne comme postes qui procurent de l'emploi occasionnel. Les postes ainsi désignés peuvent également être exclus lors des rajustements de la rétribution effectués en vertu d'un programme d'équité salariale.

Idem (4) Un poste n'est pas désigné aux termes du paragraphe (3) si, selon le cas :

a) la durée du travail est égale ou supérieure au tiers de la période normale de travail qui s'applique à un travail semblable à plein temps;

b) le travail est effectué sur une base saisonnière pour le compte du même employeur et dans le cadre du même poste;

c) le travail est effectué sur une base régulière et continue, quoique durant une période inférieure au tiers de la période normale de travail qui s'applique à un travail semblable à plein temps.

Réduction de la rétribution interdite **9** (1) L'employeur ne doit pas diminuer la rétribution payable à un employé ni réduire le taux de rétribution rattaché à un poste afin d'atteindre l'équité salariale.

Manoeuvres d'intimidation interdites (2) Il est interdit à l'employeur, à l'employé, à l'agent négociateur, ainsi qu'à leurs mandataires d'intimider, de contraindre, de pénaliser une personne ou d'exercer une discrimination à son égard pour l'un des motifs suivants :

a) elle participe ou pourrait participer à une instance intentée en vertu de la présente loi;

(b) because the person has made, or may make, a disclosure required in a proceeding under this Act;

(c) because the person is exercising, or may exercise, any right under this Act; or

(d) because the person has acted or may act in compliance with this Act, the regulations or an order made under this Act or has sought or may seek the enforcement of this Act, the regulations or an order made under this Act.

Compensation adjustments

(3) Where, to achieve pay equity, it is necessary to increase the rate of compensation for a job class, all positions in the job class shall receive the same adjustment in dollar terms.

PART II

Implementation: Public Sector and Large Private Sector Employers

Definition "date d'affichage obligatoire"

10. In this Part, "mandatory posting date" means,

(a) the second anniversary of the effective date, in respect of employers in the public sector and in respect of employers in the private sector who have at least 500 employees on the effective date;

(b) the third anniversary of the effective date, in respect of employers in the private sector who have at least 100 but fewer than 500 employees on the effective date;

(c) the fourth anniversary of the effective date, in respect of employers in the private sector who have at least fifty but fewer than 100 employees on the effective date and who have posted a notice under section 20; and

(d) the fifth anniversary of the effective date, in respect of employers in the private sector who have at least

b) elle a déjà fait ou pourrait faire une divulgation exigée lors d'une instance intentée en vertu de la présente loi;

c) elle exerce ou pourrait exercer un droit en vertu de la présente loi;

d) elle a déjà agi ou pourrait agir conformément à la présente loi, aux règlements ou à un ordre ou une ordonnance pris en vertu de la présente loi, ou a déjà demandé ou pourrait demander l'exécution de la présente loi, des règlements ou d'un ordre ou d'une ordonnance pris en vertu de la présente loi.

Rajustements de la rétribution

(3) S'il est nécessaire d'augmenter le taux de rétribution d'une catégorie d'emplois afin d'atteindre l'équité salariale, tous les postes dans cette catégorie d'emplois reçoivent le même taux de rajustement, en termes absolus.

PARTIE II

Mise en oeuvre : employeurs du secteur public et grands employeurs du secteur privé

Définition «mandatory posting date»

10 Dans la présente partie, «date d'affichage obligatoire» s'entend :

a) du deuxième anniversaire de la date d'entrée en vigueur, en ce qui concerne les employeurs du secteur public et en ce qui concerne les employeurs du secteur privé qui ont au moins 500 employés à leur service à la date d'entrée en vigueur;

b) du troisième anniversaire de la date d'entrée en vigueur, en ce qui concerne les employeurs du secteur privé qui ont au moins 100, mais moins de 500 employés à leur service à la date d'entrée en vigueur;

c) du quatrième anniversaire de la date d'entrée en vigueur, en ce qui concerne les employeurs du secteur privé qui ont au moins cinquante, mais moins de 100 employés à leur service à la date d'entrée en vigueur, et qui ont affiché l'avis visé à l'article 20;

d) du cinquième anniversaire de la date d'entrée en vigueur, en ce qui concerne les employeurs du secteur privé qui ont au moins dix, mais moins de cin-

ten but fewer than fifty employees on the effective date and who have posted a notice under section 20.

Application

11.—(1) This Part applies to all employers in the public sector, all employers in the private sector who, on the effective date, employ 100 or more employees and those employers in the private sector who post a notice under section 20.

Idem

(2) This Part does not apply to an employer who does not have employees on the effective date.

Comparison of job classes

12. Before the mandatory posting date, every employer to whom this Part applies shall, using a gender-neutral comparison system, compare the female job classes in each establishment of the employer with the male job classes in the same establishment to determine whether pay equity exists for each female job class.

Pay equity plans required

13.—(1) Documents, to be known as pay equity plans, shall be prepared in accordance with this Part to provide for pay equity for the female job classes in each establishment of every employer to whom this Part applies and, without restricting the generality of the foregoing,

(a) shall identify the establishment to which the plan applies; and

(b) shall identify all job classes which formed the basis of the comparisons under section 12.

Idem

(2) If both female job classes and male job classes exist in an establishment, every pay equity plan for the establishment,

(a) shall describe the gender-neutral comparison system used for the purposes of section 12;

(b) shall set out the results of the comparisons carried out under section 12;

(c) shall identify all positions and job classes in which differences in compensation are permitted by sub-

quante employés à leur service à la date d'entrée en vigueur, et qui ont affiché l'avis visé à l'article 20.

Champ d'application

11 (1) La présente partie s'applique à tous les employeurs du secteur public et aux employeurs du secteur privé qui, à la date d'entrée en vigueur, ont 100 employés ou plus à leur service, ainsi qu'aux employeurs du secteur privé qui affichent l'avis visé à l'article 20.

Idem

(2) La présente partie ne s'applique pas à l'employeur qui, à la date d'entrée en vigueur, n'a aucun employé à son service.

Comparaison des catégories d'emplois

12 Avant la date d'affichage obligatoire, l'employeur auquel s'applique la présente partie établit des comparaisons, au moyen d'un système non sexiste de comparaison, entre les catégories d'emplois à prédominance féminine de chacun de ses établissements et les catégories d'emplois à prédominance masculine des mêmes établissements aux fins de déterminer si l'équité salariale existe à l'égard de chaque catégorie d'emplois à prédominance féminine.

Programmes obligatoires d'équité salariale

13 (1) Il est élaboré, conformément à la présente partie, des documents connus sous l'appellation de programmes d'équité salariale, visant à assurer l'équité salariale à l'égard des catégories d'emplois à prédominance féminine au sein de chacun des établissements de chaque employeur auquel s'applique la présente partie. Ces programmes comprennent notamment :

a) le repérage de l'établissement visé par le programme;

b) le repérage de toutes les catégories d'emplois sur lesquelles se fondent les comparaisons visées à l'article 12.

Idem

(2) Si un établissement comporte à la fois des catégories d'emplois à prédominance féminine et des catégories d'emplois à prédominance masculine, chaque programme d'équité salariale relatif à l'établissement :

a) expose le système non sexiste de comparaison utilisé pour l'application de l'article 12;

b) énonce les résultats des comparaisons établies aux termes de l'article 12;

c) repère tous les postes et toutes les catégories d'emplois dans lesquels les paragraphes 8 (1) ou (3) per-

section 8 (1) or (3) and give the reasons for relying on such subsection;

(d) shall, with respect to all female job classes for which pay equity does not exist according to the comparisons under section 12, describe how the compensation in those job classes will be adjusted to achieve pay equity; and

(e) shall set out the date on which the first adjustments in compensation will be made under the plan, which date shall not be later than,

(i) the second anniversary of the effective date, in respect of employers in the public sector,

(ii) the third anniversary of the effective date, in respect of employers in the private sector who have at least 500 employees on the effective date,

(iii) the fourth anniversary of the effective date, in respect of employers in the private sector who have at least 100 but fewer than 500 employees on the effective date,

(iv) the fifth anniversary of the effective date, in respect of employers in the private sector who have at least fifty but fewer than 100 employees on the effective date and who have posted a notice under section 20, and

(v) the sixth anniversary of the effective date, in respect of employers in the private sector who have at least ten but fewer than fifty employees on the effective date and who have posted a notice under section 20.

Idem

(3) A pay equity plan shall provide that the female job class or classes that have, at any time during the implementation of the plan, the lowest job rate shall receive increases in rates of compensation under the plan that are greater than the increases under the plan for other female job classes until

mettent des écarts de rétribution, et donne les motifs du recours à ces paragraphes;

d) expose, à l'égard de toutes les catégories d'emplois à prédominance féminine où l'équité salariale n'existe pas selon les comparaisons établies aux termes de l'article 12, le mode de rajustement de la rétribution choisi pour atteindre l'équité salariale;

e) énonce la date à laquelle seront effectués les premiers rajustements de la rétribution en vertu du programme. Cette date ne peut être postérieure :

(i) au deuxième anniversaire de la date d'entrée en vigueur, en ce qui concerne les employeurs du secteur public,

(ii) au troisième anniversaire de la date d'entrée en vigueur, en ce qui concerne les employeurs du secteur privé qui ont au moins 500 employés à leur service à la date d'entrée en vigueur,

(iii) au quatrième anniversaire de la date d'entrée en vigueur, en ce qui concerne les employeurs du secteur privé qui ont au moins 100, mais moins de 500 employés à leur service à la date d'entrée en vigueur,

(iv) au cinquième anniversaire de la date d'entrée en vigueur, en ce qui concerne les employeurs du secteur privé qui ont au moins cinquante, mais moins de 100 employés à leur service à la date d'entrée en vigueur, et qui ont affiché l'avis visé à l'article 20,

(v) au sixième anniversaire de la date d'entrée en vigueur, en ce qui concerne les employeurs du secteur privé qui ont au moins dix, mais moins de cinquante employés à leur service à la date d'entrée en vigueur, et qui ont affiché l'avis visé à l'article 20.

Idem

(3) Un programme d'équité salariale prévoit qu'il sera accordé à la catégorie ou aux catégories d'emplois à prédominance féminine qui ont, pendant la période de mise en oeuvre du programme, le taux de catégorie le plus bas, une augmentation du taux de rétribution aux termes du programme qui est supérieure aux augmentations accordées aux termes du programme aux autres catégories d'emplois à prédominance féminine, jusqu'à ce que le taux de catégorie de la catégorie

such time as the job rate for the female job class or classes receiving the greater increases is equal to the lesser of,

(a) the job rate required to achieve pay equity; and

(b) the job rate of the female job class or classes entitled to receive an adjustment under the plan with the next lowest job rate.

Minimum adjustments

(4) The first adjustments in compensation under a pay equity plan are payable as of the date provided for in clause (2) (e) and shall be such that the combined compensation payable under all pay equity plans of the employer during the twelve-month period following the first adjustments shall be increased by an amount that is not less than the lesser of,

(a) 1 per cent of the employer's payroll during the twelve-month period preceding the first adjustments; and

(b) the amount required to achieve pay equity.

Idem

(5) Adjustments shall be made in compensation under a pay equity plan on each anniversary of the first adjustments in compensation under the plan and shall be such that during the twelve-month period following each anniversary the combined compensation payable under all pay equity plans of the employer shall be increased by an amount that is not less than the lesser of,

(a) 1 per cent of the employer's payroll during the twelve-month period preceding the anniversary; and

(b) the amount required to achieve pay equity.

Maximum adjustments

(6) Except for the purpose of making retroactive adjustments in compensation under a pay equity plan or unless

ou des catégories d'emplois à prédominance féminine qui reçoivent l'augmentation supérieure soit égal au moins élevé des taux suivants :

a) le taux de catégorie nécessaire pour atteindre l'équité salariale;

b) le taux de catégorie de la catégorie ou des catégories d'emplois à prédominance féminine ayant droit à un rajustement aux termes du programme et dont le taux de catégorie se classe immédiatement au-dessus de celui de la catégorie ou des catégories d'emplois visées.

Rajustements minimaux

(4) Les premiers rajustements de la rétribution en vertu d'un programme d'équité salariale sont versables à la date prévue à l'alinéa (2) e) et sont tels que la rétribution combinée payable aux termes de l'ensemble des programmes d'équité salariale de l'employeur au cours des douze mois qui suivent les premiers rajustements est majorée d'une somme qui n'est pas inférieure à la moins élevée des deux sommes suivantes :

a) la somme qui représente 1 pour cent de la feuille de paie de l'employeur relative à la période de douze mois qui précède les premiers rajustements;

b) la somme nécessaire pour atteindre l'équité salariale.

Idem

(5) Chaque anniversaire des premiers rajustements de la rétribution en vertu d'un programme d'équité salariale, des rajustements à la rétribution sont effectués en vertu du programme. Ces rajustements additionnels sont effectués de façon que la rétribution combinée payable aux termes de l'ensemble des programmes d'équité salariale de l'employeur au cours de la période de douze mois qui suit chaque anniversaire soit majorée d'une somme qui n'est pas inférieure à la moins élevée des deux sommes suivantes :

a) la somme qui représente 1 pour cent de la feuille de paie de l'employeur relative à la période de douze mois qui précède l'anniversaire;

b) la somme nécessaire pour atteindre l'équité salariale.

Rajustements maximaux

(6) Sauf dans le but d'effectuer des rajustements rétroactifs à la rétribution en vertu d'un programme d'équité salariale ou

required to do so by an order described in clause 36 (g), nothing in this Act requires an employer to increase compensation payable under the pay equity plans of the employer during a twelve-month period in an amount greater than 1 per cent of the employer's payroll during the preceding twelve-month period.

Exception

(7) Notwithstanding subsection (6), pay equity plans in the public sector shall provide for adjustments in compensation such that the plan will be fully implemented not later than the seventh anniversary of the effective date.

Definition "feuille de paie"

(8) In this section, "payroll" means the total of all wages and salaries payable to the employees in Ontario of the employer.

Pay equity plan binding

(9) A pay equity plan that is approved under this Part binds the employer and the employees to whom the plan applies and their bargaining agent, if any.

Plan to prevail

(10) A pay equity plan that is approved under this Part prevails over all relevant collective agreements and the adjustments to rates of compensation required by the plan shall be deemed to be incorporated into and form part of the relevant collective agreements.

Deemed compliance

(11) Every employer who prepares and implements a pay equity plan under this Part shall be deemed not to be in contravention of subsection 7 (1) with respect to those employees covered by the plan or plans that apply to the employees but only with respect to those compensation practices that existed immediately before the effective date.

Establishments with bargaining units

14.—(1) In an establishment in which any of the employees are represented by a bargaining agent, there shall be a pay equity plan for each bargaining unit and a pay equity plan for that part of the establishment that is not in any bargaining unit.

Bargaining unit plans

(2) The employer and the bargaining agent for a bargaining unit shall negotiate in good faith and endeavour to agree, before the mandatory posting date, on,

(a) the gender-neutral comparison system used for the purposes of section 12; and

à moins qu'il y soit tenu aux termes d'une ordonnance visée à l'alinéa 36 g), la présente loi n'a pas pour effet d'obliger un employeur à majorer la rétribution payable aux termes des programmes d'équité salariale de l'employeur au cours d'une période de douze mois d'une somme qui représente plus de 1 pour cent de la feuille de paie de l'employeur relative à la période précédente de douze mois.

Exception

(7) Malgré le paragraphe (6), les programmes d'équité salariale du secteur public prévoient les rajustements de la rétribution de manière à ce que ces programmes soient pleinement mis en oeuvre au plus tard le septième anniversaire de la date d'entrée en vigueur.

Définition «payroll»

(8) Dans le présent article, «feuille de paie» s'entend de la totalité des salaires et traitements payables aux employés de l'employeur en Ontario.

Le programme d'équité salariale lie les parties

(9) Le programme d'équité salariale approuvé aux termes de la présente partie lie l'employeur et les employés auxquels il s'applique, ainsi que leur agent négociateur, le cas échéant.

Le programme l'emporte

(10) Le programme d'équité salariale approuvé aux termes de la présente partie l'emporte sur toute convention collective pertinente. Les rajustements des taux de rétribution qu'exige le programme sont réputés incorporés aux conventions collectives pertinentes et en faire partie intégrante.

Conformité réputée

(11) L'employeur qui prépare et met en oeuvre un programme d'équité salariale aux termes de la présente partie est réputé ne pas contrevenir au paragraphe 7 (1) en ce qui concerne les employés visés par le plan ou les plans qui s'appliquent aux employés, mais seulement en ce qui a trait aux pratiques de rétribution qui existaient immédiatement avant la date d'entrée en vigueur.

Établissements dotés d'unités de négociation

14 (1) Il doit être élaboré, dans tout établissement où des employés sont représentés par un agent négociateur, un programme d'équité salariale relié à chaque unité de négociation, ainsi qu'un programme d'équité salariale relié à la partie de l'établissement dont les membres n'appartiennent pas à une unité de négociation.

Programmes reliés à une unité de négociation

(2) L'employeur et l'agent négociateur d'une unité de négociation négocient de bonne foi et s'efforcent de convenir, avant à la date d'affichage obligatoire :

a) du système non sexiste de comparaison utilisé pour l'application de l'article 12;

(b) a pay equity plan for the bargaining unit.

Idem

(3) As part of the negotiations required by subsection (2), the employer and the bargaining agent may agree, for the purposes of the pay equity plan,

(a) that the establishment of the employer includes two or more geographic divisions; and

(b) that a job class is a female job class or a male job class.

Posting of plan

(4) When an employer and a bargaining agent agree on a pay equity plan, they shall execute the agreement and, on or before the mandatory posting date, the employer shall post a copy of the plan in the work place.

Deemed approval and first adjustments

(5) When a pay equity plan has been executed by an employer and a bargaining agent, the plan shall be deemed to have been approved by the Commission and, on the day provided for in the plan, the employer shall make the first adjustments in compensation required to achieve pay equity.

Failure to agree

(6) Where an employer and a bargaining agent fail to agree on a pay equity plan by the mandatory posting date, the employer, forthwith after that date, shall give notice of the failure to the Commission.

Idem

(7) Subsection (6) does not prevent the bargaining agent from notifying the Commission of a failure to agree on a pay equity plan by the mandatory posting date.

Non-bargaining unit plan

(8) An employer shall prepare a pay equity plan for that part of the employer's establishment that is outside any bargaining unit in the establishment and, on or before the mandatory posting date, shall post a copy of the plan in the work place.

Idem

(9) Subsections 15 (2) to (8) apply to a pay equity plan described in subsection (8).

Establishments without bargaining units

15.—(1) In an establishment where no employee is represented by a bargaining agent, the employer shall prepare a pay equity plan for the employer's establishment and the employer, on or before the mandatory posting date, shall post a copy of the plan in the work place.

b) d'un programme d'équité salariale relié à l'unité de négociation.

Idem

(3) Dans le cadre des négociations exigées par le paragraphe (2), l'employeur et l'agent négociateur peuvent, pour les fins du programme d'équité salariale, convenir de ce qui suit :

a) que l'établissement de l'employeur comprend deux ou plusieurs zones géographiques;

b) qu'une catégorie d'emplois est une catégorie d'emplois à prédominance féminine ou une catégorie d'emplois à prédominance masculine.

Affichage du programme

(4) L'employeur et l'agent négociateur qui ont convenu d'un programme d'équité salariale y apposent leur signature. À la date d'affichage obligatoire ou antérieurement à celle-ci, l'employeur affiche une copie du programme sur les lieux de travail.

Approbation réputée et premiers rajustements

(5) Le programme d'équité salariale qui porte la signature de l'employeur et celle de l'agent négociateur est réputé avoir reçu l'approbation de la Commission. L'employeur, à la date prévue au programme, effectue les premiers rajustements de la rétribution nécessaires pour atteindre l'équité salariale.

Absence d'entente

(6) Si l'employeur et l'agent négociateur n'ont pas convenu d'un programme d'équité salariale à la date d'affichage obligatoire, l'employeur en avise sans délai la Commission.

Idem

(7) Le paragraphe (6) n'a pas pour effet d'empêcher l'agent négociateur d'aviser la Commission du défaut de convenir d'un programme d'équité salariale à la date d'affichage obligatoire ou antérieurement à celle-ci.

Programme non relié à une unité de négociation

(8) L'employeur élabore un programme d'équité salariale destiné aux employés de son établissement qui n'appartiennent à aucune des unités de négociation de l'établissement. À la date d'affichage obligatoire ou antérieurement à celle-ci, il affiche une copie du programme sur les lieux de travail.

Idem

(9) Les paragraphes 15 (2) à (8) s'appliquent au programme d'équité salariale décrit au paragraphe (8).

Établissements dépourvus d'unités de négociation

15 (1) L'employeur dont l'établissement ne compte aucun employé représenté par un agent négociateur élabore un programme d'équité salariale à l'égard de son établissement. L'employeur, à la date d'affichage obligatoire ou antérieurement à celle-ci, affiche une copie du programme sur les lieux de travail.

Idem

(2) For the purposes of a pay equity plan required by this section or subsection 14 (8), the employer may decide,

(a) that the establishment of the employer includes two or more geographic divisions; and

(b) that a job class is a female job class or a male job class.

Idem

(3) An agreement under section 14 between an employer and a bargaining agent shall not affect any pay equity plan required by this section or subsection 14 (8).

Employee review

(4) The employees to whom a pay equity plan required by this section or subsection 14 (8) applies shall have until the ninetieth day after the mandatory posting date to review and submit comments to the employer on the plan.

Changes

(5) If as a result of comments received during the review period referred to in subsection (4), the employer is of the opinion that a pay equity plan should be changed, the employer may change the plan.

Posting of notice

(6) Not later than seven days after the end of the review period referred to in subsection (4), the employer shall post in the work place a notice stating whether the pay equity plan has been amended under this section and, if the plan has been amended, the employer shall also post a copy of the amended plan with the amendments clearly indicated.

Objections

(7) Any employee or group of employees to whom a pay equity plan applies, within thirty days following a posting in respect of the plan under subsection (6), may file a notice of objection with the Commission whether or not the employee or group of employees has submitted comments to the employer under subsection (4).

Deemed approval and first adjustments

(8) If no objection in respect of a pay equity plan is filed with the Commission under subsection (7), the plan shall be deemed to have been approved by the Commission and, on the day provided for in the plan, the employer shall make the first adjustments in compensation required to achieve pay equity.

Idem (2) Pour l'application du programme d'équité salariale exigé par le présent article ou par le paragraphe 14 (8), l'employeur peut décider :

a) que son établissement comprend deux ou plusieurs zones géographiques;

b) qu'une catégorie d'emplois est une catégorie d'emplois à prédominance féminine ou une catégorie d'emplois à prédominance masculine.

Idem (3) L'entente intervenue en vertu de l'article 14 entre l'employeur et l'agent négociateur n'a pas d'incidence sur le programme d'équité salariale exigé par le présent article ou par le paragraphe 14 (8).

Examen par l'employé (4) Les employés visés par un programme d'équité salariale exigé par le présent article ou par le paragraphe 14 (8) peuvent examiner le programme et présenter leurs observations à l'employeur jusqu'au quatre-vingt-dixième jour suivant la date d'affichage obligatoire.

Modification (5) L'employeur qui, à la suite des observations reçues au cours de la période d'examen visée au paragraphe (4), est d'avis que des modifications au programme d'équité salariale s'imposent, peut y apporter des modifications.

Affichage d'un avis (6) Dans les sept jours qui suivent la fin de la période d'examen visée au paragraphe (4), l'employeur affiche sur les lieux de travail un avis qui indique si le programme d'équité salariale a été modifié ou non aux termes du présent article. Si le programme a été modifié, l'employeur affiche également une copie du programme modifié sur laquelle les modifications sont clairement indiquées.

Oppositions (7) Dans les trente jours de l'affichage concernant un programme d'équité salariale aux termes du paragraphe (6), l'employé ou le groupe d'employés visés par le programme peuvent déposer un avis d'opposition auprès de la Commission, qu'ils aient présenté ou non leurs observations à l'employeur aux termes du paragraphe (4).

Approbation réputée et premiers rajustements (8) S'il n'est déposé aucune opposition à un programme d'équité salariale auprès de la Commission en vertu du paragraphe (7), le programme est réputé avoir reçu l'approbation de la Commission. L'employeur, à la date prévue au programme, effectue les premiers rajustements de la rétribution nécessaires pour atteindre l'équité salariale.

Investigation by review officer and settlement

16.—(1) If the Commission,

(a) is advised by an employer or a bargaining agent that no agreement has been reached on a pay equity plan under section 14; or

(b) receives a notice of objection under subsection 15 (7),

a review officer shall investigate the matter and endeavour to effect a settlement.

Orders by review officer

(2) If the review officer is unable to effect a settlement as provided for in subsection (1), he or she shall, by order, decide all outstanding matters.

Posting of plan

(3) Where a review officer effects a settlement under subsection (1) or makes an order under subsection (2), the employer shall forthwith post in the work place a copy of the pay equity plan that reflects the settlement or order.

Objections

(4) Where a pay equity plan has been posted under subsection (3), objections with respect to the plan may be filed with the Commission within thirty days of the posting as follows:

1. If the plan relates to a bargaining unit, objections may be filed only if the review officer has made an order under subsection (2) and only the employer or the bargaining agent for the bargaining unit may file objections.

2. If the plan does not relate to a bargaining unit and a review officer effected a settlement under subsection (1) with the agreement of the objector who filed the objection under subsection 15 (7), only an employee or group of employees to whom the plan applies, other than the objector, may file an objection.

3. If the plan does not relate to a bargaining unit and a review officer has made an order under subsection (2), the employer or any employee or group of employees to whom the plan applies may file an objection.

16 (1) Lorsque la Commission : Enquête par l'agent de révision et règlement

a) ou bien est avisée par l'employeur ou l'agent négociateur qu'aucune entente n'est intervenue au sujet du programme d'équité salariale aux termes de l'article 14;

b) ou bien reçoit l'avis d'opposition visé au paragraphe 15 (7),

un agent de révision mène une enquête à ce sujet et tente d'amener les parties à accepter un règlement.

(2) Si l'agent de révision ne peut parvenir à amener les parties à accepter le règlement visé au paragraphe (1), il règle toutes les questions en souffrance au moyen d'un ordre. Ordre de l'agent de révision

(3) Si l'agent de révision amène les parties à accepter un règlement aux termes du paragraphe (1) ou donne un ordre aux termes du paragraphe (2), l'employeur affiche sans délai sur les lieux de travail une copie du programme d'équité salariale qui reflète le règlement ou l'ordre. Affichage du programme

(4) Des oppositions au programme d'équité salariale affiché en vertu du paragraphe (3), peuvent être déposées auprès de la Commission dans les trente jours de l'affichage, selon les modalités suivantes : Oppositions

1. Si le programme est relié à une unité de négociation, des oppositions peuvent être déposées seulement si l'agent de révision a donné un ordre aux termes du paragraphe (2). Dans ce cas, seuls l'employeur ou l'agent négociateur de l'unité de négociation peuvent déposer une opposition.

2. Si le programme n'est pas relié à une unité de négociation et qu'un agent de révision a amené, aux termes du paragraphe (1), les parties à accepter un règlement avec le consentement de l'opposant qui a déposé l'opposition aux termes du paragraphe 15 (7), seuls un employé ou le groupe d'employés visés par le programme, autre que l'opposant, peuvent déposer une opposition.

3. Si le programme n'est pas relié à une unité de négociation et qu'un agent de révision a donné un ordre aux termes du paragraphe (2), l'employeur, un employé ou un groupe d'employés visés par le programme peuvent déposer une opposition.

Deemed approval and first adjustments

(5) If a review officer effects a settlement of a pay equity plan for a bargaining unit under subsection (1) or, if in any other case, no objection in respect of a pay equity plan is filed with the Commission in accordance with subsection (4), the plan shall be deemed to have been approved by the Commission and, on the day provided for in the plan, the employer shall make the first adjustments in compensation required to achieve pay equity.

Idem

(6) Where adjustments in compensation are made after the day provided for in the pay equity plan, the employer shall make the adjustments retroactive to that date.

Hearing

17.—(1) If the Commission receives a notice of objection under subsection 16 (4), the Hearings Tribunal shall hold a hearing and, in its decision, shall settle the pay equity plan to which the objection relates.

Posting of plan

(2) Forthwith after receiving the decision of the Hearings Tribunal, the employer shall post a copy of the decision in the work place and, on the day provided for in the plan, shall make the first adjustments in compensation required to achieve pay equity.

Idem

(3) Where adjustments in compensation are made after the day provided for in a pay equity plan, the employer shall make the adjustments retroactive to that date.

PART III

Implementation: Small Private Sector Employers

Application

18. This Part applies only to employers in the private sector who, on the effective date, employ more than nine and fewer than 100 employees.

Pay equity plans

19. An employer to whom this Part applies may establish pay equity plans for any of the employer's establishments.

Posting of notice

20.—(1) An employer who decides to establish a pay equity plan or plans for an establishment, as provided for in section 19, shall give notice of the decision to the bargaining agents, if any, for employees in the establishment and shall post a notice of the decision in the work place.

Application of Part II

(2) Upon the posting of the notice referred to in subsection (1), Part II applies to the establishment to which the notice relates and this Part ceases to apply to the employer with respect to that establishment.

Approbation réputée et premiers rajustements

(5) Si un agent de révision amène les parties à accepter, aux termes du paragraphe (1), un règlement relatif à un programme d'équité salariale relié à une unité de négociation, ou que, dans tout autre cas, aucune opposition n'a été déposée auprès de la Commission au sujet d'un programme d'équité salariale aux termes du paragraphe (4), le programme est réputé avoir reçu l'approbation de la Commission. L'employeur, à la date prévue au programme, effectue les premiers rajustements de la rétribution nécessaires pour atteindre l'équité salariale.

Idem

(6) Si des rajustements de la rétribution sont effectués après la date prévue au programme d'équité salariale, l'employeur rend ces rajustements rétroactifs à cette date.

Audience

17 (1) Si la Commission reçoit un avis d'opposition en vertu du paragraphe 16 (4), le Tribunal tient une audience et règle, dans sa décision, le programme d'équité salariale qui fait l'objet de l'opposition.

Affichage du programme

(2) Lorsqu'il reçoit la décision du Tribunal, l'employeur en affiche sans délai une copie sur les lieux de travail. À la date prévue au programme, il effectue les premiers rajustements de la rétribution nécessaires pour atteindre l'équité salariale.

Idem

(3) Si des rajustements de la rétribution sont effectués après la date prévue au programme d'équité salariale, l'employeur rend ces rajustements rétroactifs à cette date.

PARTIE III

Mise en oeuvre : petits employeurs du secteur privé

Champ d'application

18 La présente partie ne s'applique qu'aux employeurs du secteur privé qui, à la date d'entrée en vigueur, ont à leur service plus de neuf, mais moins de 100 employés.

Programme d'équité salariale

19 L'employeur auquel s'applique la présente partie peut établir des programmes d'équité salariale à l'égard de chacun de ses établissements.

Affichage de l'avis

20 (1) L'employeur qui décide d'établir, aux termes de l'article 19, un ou plusieurs programmes d'équité salariale à l'égard de son établissement, avise de sa décision les agents négociateurs des employés de son établissement, le cas échéant, et affiche un avis de cette décision sur les lieux de travail.

Cas d'application de la partie II

(2) Dès que l'employeur affiche l'avis prévu au paragraphe (1), la partie II s'applique à l'établissement visé par l'avis et la présente partie cesse alors de s'appliquer à l'employeur à l'égard de cet établissement.

Transition

21.—(1) Notwithstanding subsection 7 (1) or (2), an employer to whom this Part applies may maintain compensation practices that were in existence in the employer's establishment immediately before the effective date,

(a) until the fifth anniversary of the effective date, if the employer employs at least fifty but fewer than 100 employees on the effective date; and

(b) until the sixth anniversary of the effective date, if the employer employs at least ten but fewer than fifty employees on the effective date,

and, until the relevant anniversary date, a compensation change that is the same in percentage terms for female job classes and male job classes in the establishment shall be deemed not to be a contravention of those subsections even though the change is different in dollar terms for a female job class than for a male job class.

Repeal

(2) This Part is repealed on the sixth anniversary of the effective date.

PART IV

Enforcement

Complaints

22.—(1) Any employer, employee or group of employees, or the bargaining agent, if any, representing the employee or group of employees, may file a complaint with the Commission complaining that there has been a contravention of this Act, the regulations or an order of the Commission.

Idem

(2) Any employee or group of employees, or the bargaining agent, if any, representing the employee or group of employees, may file a complaint with the Commission complaining with respect to a pay equity plan that applies to the employee or group of employees that,

(a) the plan is not being implemented according to its terms; or

(b) because of changed circumstances in the establishment, the plan is not appropriate for the female job

Disposition transitoire

21 (1) Malgré les paragraphes 7 (1) ou (2), l'employeur auquel s'applique la présente partie peut maintenir les pratiques de rétribution qui avaient cours dans son établissement immédiatement avant la date d'entrée en vigueur :

a) jusqu'au cinquième anniversaire de la date d'entrée en vigueur, si l'employeur a au moins cinquante, mais moins de 100 employés à son service à la date d'entrée en vigueur;

b) jusqu'au sixième anniversaire de la date d'entrée en vigueur, si l'employeur a au moins dix, mais moins de cinquante employés à son service à la date d'entrée en vigueur.

Jusqu'à l'anniversaire pertinent, la modification de la rétribution qui est la même, en termes de pourcentage, à l'égard des catégories d'emplois à prédominance féminine qu'à l'égard des catégories d'emplois à prédominance masculine dans l'établissement, est réputée ne pas contrevenir à ces paragraphes, même si, en termes absolus, la modification qui est faite à l'égard des catégories d'emplois à prédominance féminine diffère de celle qui est faite à l'égard des catégories d'emplois à prédominance masculine.

Abrogation

(2) La présente partie est abrogée le jour du sixième anniversaire de la date d'entrée en vigueur.

PARTIE IV

Exécution de la loi

Plaintes

22 (1) Un employeur, un employé, un groupe d'employés ou, le cas échéant, un agent négociateur qui représente l'employé ou le groupe d'employés, peuvent déposer auprès de la Commission une plainte signalant qu'il y a eu contravention à la présente loi, aux règlements ou à une ordonnance de la Commission.

Idem

(2) Un employé, un groupe d'employés ou, le cas échéant, l'agent négociateur qui représente l'employé ou le groupe d'employés, peuvent déposer auprès de la Commission, à l'égard du programme d'équité salariale qui vise cet employé ou ce groupe d'employés, une plainte précisant, selon le cas :

a) que la mise en oeuvre du programme ne s'effectue pas conformément à ses modalités;

b) qu'en raison d'un changement de la situation au sein de l'établissement, le programme ne convient pas à la catégorie d'emplois à prédominance fémi-

class to which the employee or group of employees belongs.

Combining of complaints

(3) The Hearings Tribunal may combine two or more complaints and deal with them in one proceeding if the complaints,

(a) are made against the same person and bring into question the same or a similar issue; or

(b) have questions of law or fact in common.

Investigation of complaints

23.—(1) Subject to subsection (2), when the Commission receives a complaint, a review officer shall investigate the complaint and may endeavour to effect a settlement.

Idem

(2) The review officer shall notify the parties and the Hearings Tribunal as soon as he or she decides that a settlement cannot be effected and that he or she will not be making an order under subsection 24 (3).

Decision to not deal with complaint

(3) A review officer may decide that a complaint should not be considered if the review officer is of the opinion that,

(a) the subject-matter of the complaint is trivial, frivolous, vexatious or made in bad faith; or

(b) the complaint is not within the jurisdiction of the Commission.

Hearing before Tribunal

(4) The review officer shall notify the complainant of his or her decision under subsection (3) and the complainant may request a hearing before the Hearings Tribunal with respect to the decision.

Orders by review officers

24.—(1) Where a review officer is of the opinion that a pay equity plan is not being prepared as required by Part II, the review officer may order the employer and the bargaining agent, if any, to take such steps as are set out in the order to prepare the plan.

Idem

(2) Where a review officer is of the opinion that a pay equity plan is not being implemented according to its terms, the review officer may order the employer to take such steps as are set out in the order to implement the plan.

Idem

(3) Where a review officer is of the opinion that there has been a contravention of subsection 7 (1) or (2), the review officer may order the employer and the bargaining agent, if

nine à laquelle appartiennent l'employé ou le groupe d'employés.

Réunion de plaintes

(3) Le Tribunal peut réunir deux ou plusieurs plaintes et en traiter au cours d'une même instance, si ces plaintes, selon le cas :

a) sont formulées contre la même personne et se rapportent au même point en litige ou à un point semblable;

b) soulèvent les mêmes questions de droit ou de fait.

Enquêtes au sujet des plaintes

23 (1) Sous réserve du paragraphe (2), un agent de révision mène une enquête concernant la plainte reçue par la Commission et peut tenter d'amener les parties à accepter un règlement.

Idem

(2) Aussitôt que l'agent de révision décide qu'il ne peut pas amener les parties à accepter un règlement et qu'il ne donnera pas d'ordre en vertu du paragraphe 24 (3), il en avise les parties et le Tribunal.

Décision de ne pas traiter de la plainte

(3) L'agent de révision peut décider de ne pas examiner la plainte s'il est d'avis que, selon le cas :

a) la plainte est futile, frivole, vexatoire ou faite de mauvaise foi;

b) la plainte n'est pas du ressort de la Commission.

Audience devant le Tribunal

(4) L'agent de révision avise le plaignant de la décision qu'il a prise aux termes du paragraphe (3), et le plaignant peut demander au Tribunal de tenir une audience à l'égard de la décision.

Ordres des agents de révision

24 (1) L'agent de révision qui est d'avis qu'un programme d'équité salariale n'est pas en cours d'élaboration tel que l'exige la partie II peut ordonner à l'employeur et à l'agent négociateur, le cas échéant, de prendre les mesures énoncées dans son ordre en vue d'élaborer le programme.

Idem

(2) L'agent de révision qui est d'avis qu'un programme d'équité salariale n'est pas mis en oeuvre conformément à ses modalités peut ordonner à l'employeur de prendre les mesures énoncées dans son ordre aux fins de mettre en oeuvre le programme.

Idem

(3) L'agent de révision qui est d'avis qu'il y a eu contravention aux paragraphes 7 (1) ou (2) peut ordonner à l'employeur et à l'agent négociateur, le cas échéant, de prendre les mesu-

any, to take such steps as are set out in the order to comply with either or both of those subsections.

Idem

(4) An order under subsection (1) may provide for a mandatory posting date that is later than the one provided in section 10.

Reference to Tribunal

(5) Where an employer or a bargaining agent fails to comply with an order under this section, a review officer may refer the matter to the Hearings Tribunal.

Hearing before Tribunal

(6) An employer or bargaining agent named in an order under this section may request a hearing before the Hearings Tribunal with respect to the order, and, where the order was made following a complaint but the complaint has not been settled, the complainant may also request a hearing.

Hearings

25.—(1) The Hearings Tribunal shall hold a hearing,

(a) if a review officer is unable to effect a settlement of a complaint and has not made an order under subsection 24 (3);

(b) if a request for a hearing, as described in subsection 23 (4) or 24 (6), is received by the Hearings Tribunal; or

(c) if a review officer refers a matter to the Hearings Tribunal under subsection 24 (5).

Orders

(2) The Hearings Tribunal shall decide the issue that is before it for a hearing and, without restricting the generality of the foregoing, the Hearings Tribunal,

(a) where it finds that an employer or a bargaining agent has failed to comply with Part II, may order that a review officer prepare a pay equity plan for the employer's establishment and that the employer and the bargaining agent, if any, or either of them, pay all of the costs of preparing the plan;

(b) where it finds that an employer has contravened subsection 9 (2) by dismissing, suspending or otherwise penalizing an employee, may order the employer to reinstate the employee, restore the employee's compensation to the same level as before the contravention and pay the employee the

res énoncées dans son ordre aux fins de se conformer à l'un ou l'autre de ces paragraphes ou aux deux.

Idem

(4) Un ordre donné aux termes du paragraphe (1) peut prévoir une date d'affichage obligatoire postérieure à celle que prévoit l'article 10.

Renvoi devant le Tribunal

(5) Si l'employeur ou l'agent négociateur ne se conforment pas à l'ordre donné aux termes du présent article, un agent de révision peut renvoyer la question au Tribunal.

Audience devant le Tribunal

(6) Un employeur ou un agent négociateur nommés dans un ordre donné aux termes du présent article peuvent demander au Tribunal de tenir une audience à cet égard. Si l'ordre a été donné à la suite d'une plainte et que la plainte n'a pas fait l'objet d'un règlement, le plaignant peut également demander une audience.

Audiences

25 (1) Le Tribunal tient une audience dans les cas suivants :

a) si l'agent de révision ne peut amener les parties à accepter un règlement relativement à la plainte et qu'il n'a pas donné d'ordre en vertu du paragraphe 24 (3);

b) si le Tribunal reçoit une demande d'audience prévue aux paragraphes 23 (4) ou 24 (6);

c) si l'agent de révision renvoie une question devant le Tribunal aux termes du paragraphe 24 (5).

Ordonnances

(2) Le Tribunal règle la question dont il est saisi, et peut notamment :

a) enjoindre à l'agent de révision d'élaborer un programme d'équité salariale destiné à l'établissement de l'employeur, lorsqu'il constate que ce dernier ou l'agent négociateur ne se sont pas conformés à la partie II. Il peut aussi enjoindre à l'employeur et à l'agent négociateur, le cas échéant, ou à l'un d'eux, d'acquitter la totalité des frais d'élaboration du programme;

b) lorsqu'elle constate que l'employeur a enfreint le paragraphe 9 (2) en pénalisant un employé, notamment en le renvoyant ou en le suspendant, peut ordonner à l'employeur de réintégrer l'employé dans son emploi, de placer sa rétribution au même niveau qu'avant la contravention et de lui verser le

amount of all compensation lost because of the contravention;

(c) where it finds that an employer has contravened subsection 9 (1) by reducing compensation, may order the employer to adjust the compensation of all employees affected to the rate to which they would have been entitled but for the reduction in compensation and to pay compensation equal to the amount lost because of the reduction;

(d) may confirm, vary or revoke orders of review officers;

(e) may, for the female job class that is the subject of the complaint or reference, order adjustments in compensation in order to achieve pay equity, where the Hearings Tribunal finds that there has been a contravention of subsection 7 (1);

(f) may order that the pay equity plan be revised in such manner as the Hearings Tribunal considers appropriate, where it finds that the plan is not appropriate for the female job class that is the subject of the complaint or reference because there has been a change of circumstances in the establishment; and

(g) may order a party to a proceeding to take such action or refrain from such action as in the opinion of the Hearings Tribunal is required in the circumstances.

Idem

(3) An order under clause (2) (a) may provide that a review officer may retain the services of such experts as the review officer considers necessary to prepare a pay equity plan.

Application of Part II

(4) Part II, except section 16, applies with necessary modifications to a pay equity plan prepared under clause (2) (a) but,

(a) the order of the Hearings Tribunal may provide for a mandatory posting date that is later than the one provided in section 10;

(b) the order of the Hearings Tribunal shall not provide for a compensation adjustment date that is different than the relevant date set out in clause 13 (2) (e);

montant entier de la rétribution perdue en raison de la contravention;

c) lorsqu'il constate que l'employeur a enfreint le paragraphe 9 (1) en diminuant la rétribution, ordonner à l'employeur de rajuster la rétribution de tous les employés concernés au taux auquel ils auraient eu droit n'eût été la diminution, et de verser une rétribution égale au montant perdu en raison de la diminution;

d) confirmer, modifier ou révoquer les ordres des agents de révision;

e) ordonner, à l'égard de la catégorie d'emplois à prédominance féminine qui fait l'objet de la plainte ou du renvoi, que des rajustements de la rétribution soient effectués pour atteindre l'équité salariale, lorsqu'il constate qu'il y a eu contravention au paragraphe 7 (1);

f) ordonner que le programme d'équité salariale soit révisé de la manière que le Tribunal estime appropriée lorsqu'il constate que le programme ne convient pas à la catégorie d'emplois à prédominance féminine qui fait l'objet de la plainte ou du renvoi en raison d'un changement de la situation au sein de l'établissement;

g) enjoindre à une partie à l'instance soit de prendre certaines mesures, soit de s'en abstenir, selon ce que le Tribunal juge nécessaire dans les circonstances.

Idem

(3) L'ordonnance prise en vertu de l'alinéa (2) a) peut permettre à l'agent de révision de retenir les services des experts que celui-ci estime nécessaires en vue d'élaborer un programme d'équité salariale.

Cas d'application de la partie II

(4) À l'exception de l'article 16, la partie II s'applique avec les adaptations nécessaires au programme d'équité salariale élaboré en vertu de l'alinéa (2) a). Toutefois :

a) l'ordonnance prise par le Tribunal peut prévoir une date d'affichage obligatoire postérieure à celle que prévoit l'article 10;

b) l'ordonnance du Tribunal ne prévoit pas une date de rajustement de la rétribution différente de la date pertinente énoncée à l'alinéa 13 (2) e);

(c) the review officer shall perform the duties of the employer and the bargaining agent, if any;

(d) when the review officer posts the plan in the work place as subsection 14 (4) or 15 (6) provides, the employer, the bargaining agent (if the plan relates to a bargaining unit), or any employee or group of employees to whom the plan applies (if the plan does not relate to a bargaining unit) may file an objection with the Hearings Tribunal; and

(e) an objection under clause (d) shall be dealt with by the Hearings Tribunal under section 17.

Retroactive compensation adjustments

(5) An order under clause (2) (e) may be retroactive to the day of the contravention of subsection 7 (1).

Idem

(6) An order under clause (2) (f) may provide that adjustments in compensation resulting from the revision of the pay equity plan be made retroactive to the day of the change in circumstances that gave rise to the order.

Offences and penalties

26.—(1) Every person who contravenes or fails to comply with subsection 9 (2) or subsection 35 (5) or an order of the Hearings Tribunal is guilty of an offence and on conviction is liable to a fine of not more than $2,000, in the case of an individual, and not more than $25,000, in any other case.

Parties

(2) If a corporation or bargaining agent contravenes or fails to comply with subsection 9 (2) or subsection 35 (5) or an order of the Hearings Tribunal, every officer, official or agent thereof who authorizes, permits or acquiesces in the contravention is a party to and guilty of the offence and, on conviction, is liable to the penalty provided for the offence whether or not the corporation or bargaining agent has been prosecuted or convicted.

Prosecution against bargaining agent

(3) A prosecution for an offence under this Act may be instituted against a bargaining agent in its own name.

Consent

(4) No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Hearings Tribunal.

c) l'agent de révision exerce les fonctions de l'employeur et de l'agent négociateur, le cas échéant;

d) lorsque l'agent de révision affiche le programme sur les lieux de travail comme le prévoient les paragraphes 14 (4) ou 15 (6), l'employeur, l'agent négociateur (si le programme est relié à une unité de négociation) ou un employé ou un groupe d'employés visés par le programme (si le programme n'est pas relié à une unité de négociation) peuvent déposer une opposition auprès du Tribunal;

e) le Tribunal traite de l'opposition visée à l'alinéa d) aux termes de l'article 17.

Rajustements rétroactifs de la rétribution

(5) L'ordonnance prise aux termes de l'alinéa (2) e) peut avoir un effet rétroactif au jour de la contravention au paragraphe 7 (1).

Idem

(6) L'ordonnance prise aux termes de l'alinéa (2) f) peut prévoir que les rajustements de la rétribution résultant de la révision du programme d'équité salariale ont un effet rétroactif au jour où s'est produit le changement de situation qui a donné lieu à l'ordonnance.

Infractions et peines

26 (1) Quiconque contrevient aux paragraphes 9 (2) ou 35 (5) ou à une ordonnance du Tribunal ou ne s'y conforme pas, est coupable d'une infraction et passible, sur déclaration de culpabilité, d'une amende d'au plus 2 000 $ dans le cas d'une personne physique, et d'au plus 25 000 $ dans les autres cas.

Parties

(2) Si une personne morale ou un agent négociateur contreviennent aux paragraphes 9 (2) ou 35 (5) ou à une ordonnance du Tribunal ou ne s'y conforment pas, le dirigeant, l'employé ou le mandataire qui autorise ou permet la contravention ou y donne son consentement est partie à l'infraction, en est coupable et, sur déclaration de culpabilité, est passible de la peine prévue pour cette infraction, que la personne morale ou l'agent négociateur aient été ou non poursuivis ou déclarés coupables de l'infraction.

Poursuite contre l'agent négociateur

(3) Une poursuite relative à une infraction à la présente loi peut être intentée contre l'agent négociateur en tant que tel.

Consentement

(4) Il ne peut être intenté aucune poursuite relative à une infraction à la présente loi sans le consentement écrit du Tribunal.

PART V

Administration

Commission established

27.—(1) There is hereby established a commission to be known as the Pay Equity Commission of Ontario.

Idem

(2) The Commission shall consist of the Pay Equity Hearings Tribunal and the Pay Equity Office.

Staff

(3) Such employees as are necessary for the proper conduct of the Commission's work may be appointed under the *Public Service Act* to serve in the Pay Equity Office.

R.S.O. 1980, c. 418

Services of ministries, etc.

(4) The Commission shall, if appropriate, use the services and facilities of a ministry, board, commission or agency of the Government of Ontario.

Hearings Tribunal

28.—(1) The Hearings Tribunal shall be composed of a presiding officer, one or more deputy presiding officers and as many other members equal in number representative of employers and employees respectively as the Lieutenant Governor in Council considers proper, all of whom shall be appointed by the Lieutenant Governor in Council.

Alternate presiding officer

(2) The Lieutenant Governor in Council shall designate one of the deputy presiding officers to be alternate presiding officer and the person so designated, in the absence of the presiding officer or if the presiding officer is unable to act, shall have all of the powers of the presiding officer.

Remuneration and expenses

(3) The members of the Hearings Tribunal who are not Crown employees shall be paid such remuneration as may be fixed by the Lieutenant Governor in Council and, subject to the approval of Management Board of Cabinet, the reasonable expenses incurred by them in the course of their duties under this Act.

Resignation of member

(4) Where a member of the Hearings Tribunal resigns, he or she may carry out and complete any duties or responsibilities and exercise any powers that he or she would have had if he or she had not ceased to be a member, in connection with any matter in respect of which there was any proceeding in which he or she participated as a member of the Hearings Tribunal.

Powers and duties of Tribunal

29.—(1) The Hearings Tribunal may exercise such powers and shall perform such duties as are conferred or imposed upon it by this Act or the regulations.

PARTIE V

Application de la loi

Création de la Commission

27 (1) Est créée une commission nommée Commission de l'équité salariale de l'Ontario.

Idem

(2) La Commission se compose du Tribunal de l'équité salariale et du Bureau de l'équité salariale.

Personnel

(3) Les employés nécessaires à la conduite efficace des activités de la Commission peuvent être nommés aux termes de la *Loi sur la fonction publique* afin de travailler au Bureau de l'équité salariale.

L.R.O. 1980, chap. 418

Services des ministères, etc.

(4) La Commission se prévaut, si cela est approprié, des services et installations des ministères, commissions ou organismes du gouvernement de l'Ontario.

Tribunal

28 (1) Le Tribunal se compose d'un président, d'un ou de plusieurs vice-présidents, et du nombre d'autres membres répartis en un nombre égal de représentants des employeurs et des employés que le lieutenant-gouverneur en conseil juge approprié. Toutes ces personnes sont nommées par le lieutenant-gouverneur en conseil.

Président suppléant

(2) Le lieutenant-gouverneur en conseil désigne l'un des vice-présidents comme président suppléant. Cette personne possède tous les pouvoirs du président si ce dernier est absent ou empêché d'agir.

Rémunération et frais

(3) Les membres du Tribunal qui ne sont pas des employés de la Couronne reçoivent la rémunération que peut fixer le lieutenant-gouverneur en conseil, et, sous réserve de l'approbation du Conseil de gestion du gouvernement, les frais normaux engagés lors de l'exercice de leurs fonctions aux termes de la présente loi.

Démission d'un membre

(4) Le membre du Tribunal qui démissionne peut toutefois exercer les attributions qu'il aurait continué d'avoir s'il n'avait pas démissionné, en ce qui concerne toute question faisant l'objet d'une instance à laquelle il a participé en tant que membre.

Attributions du Tribunal

29 (1) Le Tribunal peut exercer les pouvoirs et doit accomplir les obligations qui lui sont conférés par la présente loi ou par les règlements.

Idem

(2) Without limiting the generality of subsection (1), the Hearings Tribunal,

(a) may decide in an order made under subsection 17 (1) or clause 25 (2) (a) that any job class is a female job class or a male job class;

(b) may make rules for the conduct and management of its affairs and for the practice and procedure to be observed in matters before it; and

(c) may require that any person seeking a determination of any matter by the Hearings Tribunal shall give written notice, in such form and manner as the Hearings Tribunal specifies, to the persons that the Hearings Tribunal specifies.

Panels

(3) The presiding officer may establish panels of the Hearings Tribunal and it may sit in two or more panels simultaneously so long as a quorum of the Hearings Tribunal is present on each panel.

Quorum

(4) The presiding officer or a deputy presiding officer, one member representative of employers and one member representative of employees constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Hearings Tribunal.

Decisions

(5) The decision of the majority of the members of the Hearings Tribunal present and constituting a quorum is the decision of the Hearings Tribunal, but, if there is no majority, the decision of the presiding officer or deputy presiding officer governs.

Exclusive jurisdiction

30.—(1) The Hearings Tribunal has exclusive jurisdiction to exercise the powers conferred upon it by or under this Act and to determine all questions of fact or law that arise in any matter before it and the action or decision of the Hearings Tribunal thereon is final and conclusive for all purposes.

Reconsideration of decisions, etc.

(2) The Hearings Tribunal may at any time, if it considers it advisable to do so, reconsider a decision or order made by it and vary or revoke the decision or order.

Testimony in civil proceedings

31. Except with the consent of the Hearings Tribunal, no member of the Hearings Tribunal, employee of the Commission or person whose services have been contracted for by the Commission shall be required to testify in any civil proceeding, in any proceeding before the Hearings Tribunal or in any proceeding before any other tribunal respecting information

(2) Le Tribunal possède notamment les attributions suivantes : Idem

a) il peut décider, au moyen d'une ordonnance prise aux termes du paragraphe 17 (1) ou de l'alinéa 25 (2) a), qu'une catégorie d'emplois est une catégorie d'emplois à prédominance féminine ou une catégorie d'emplois à prédominance masculine;

b) il peut établir des règles concernant la conduite et la gestion de ses affaires, ainsi que des règles de pratique et de procédure à suivre relativement aux questions dont il est saisi;

c) il peut exiger que la personne qui lui demande de prendre une décision relative à une question quelconque en avise par écrit, de la manière que précise le Tribunal, les personnes qu'il précise.

(3) Le président peut former des comités du Tribunal, qui peut ainsi siéger simultanément en plusieurs comités, pourvu que le quorum du Tribunal soit atteint dans chacun d'eux. Comités

(4) Le président ou un vice-président, un membre représentant les employeurs et un membre représentant les employés constituent le quorum et peuvent exercer tous les pouvoirs du Tribunal. Quorum

(5) La décision de la majorité des membres du Tribunal présents qui constituent le quorum est la décision du Tribunal. En cas de partage, le président ou le vice-président a voix prépondérante. Décisions

30 (1) Le Tribunal a compétence exclusive pour exercer les pouvoirs que lui confère la présente loi et trancher les questions de fait ou de droit soulevées à l'occasion d'une question dont il est saisi. Ses décisions et les mesures qu'il prend sont définitives et ont à toutes fins force de chose jugée. Compétence exclusive

(2) Le Tribunal peut, chaque fois qu'il le juge à propos, examiner de nouveau, modifier ou annuler ses propres décisions et ordonnances. Nouvel examen des décisions et ordonnances

31 Sauf si le Tribunal y consent, ses membres, les employés de la Commission et les personnes dont elle a retenu les services par contrat ne peuvent pas être contraints à témoigner lors d'une instance civile ou devant le Tribunal ou tout autre tribunal administratif, en ce qui concerne les rensei- Témoignages lors d'instances civiles

obtained in the discharge of their duties or while acting within the scope of their employment under this Act.

Parties to proceedings

32.—(1) Where a hearing is held before the Hearings Tribunal or where a review officer investigates for the purposes of effecting a settlement of an objection or complaint, the parties to the proceeding are,

(a) the employer;

(b) the objector or complainant; and

(c) the bargaining agent (if the pay equity plan relates to a bargaining unit) or the employees to whom the plan relates (if the plan does not relate to a bargaining unit).

Notice

(2) Where the Hearings Tribunal or a review officer requires that a notice be given by the employer to employees, the employer shall post the notice in the work place and such notice shall be deemed to have been sufficiently given to all employees in the work place when it is so posted.

Representation

(3) An employee or a group of employees may appoint any person or organization to act as the agent of the employee or group of employees before the Hearings Tribunal or before a review officer.

Idem

(4) Where an employee or group of employees advises the Hearings Tribunal in writing that the employee or group of employees wishes to remain anonymous, the agent of the employee or group of employees shall be the party to the proceeding before the Hearings Tribunal or review officer and not the employee or group of employees.

Idem

(5) Where subsection (4) applies, the agent, in the agent's name, may take all actions that an employee may take under this Act including the filing of objections under Part II and the filing of complaints under Part IV.

Pay Equity Office

33.—(1) The Pay Equity Office is responsible for the enforcement of this Act and orders of the Hearings Tribunal.

Idem

(2) Without limiting the generality of subsection (1), the Pay Equity Office,

(a) may conduct research and produce papers concerning any aspect of pay equity and related subjects and make recommendations to the Minister in connection therewith;

gnements obtenus dans l'accomplissement de leurs devoirs ou dans le cadre de leurs fonctions aux termes de la présente loi.

Parties à l'instance

32 (1) Lorsque le Tribunal tient une audience ou qu'un agent de révision mène une enquête en vue d'amener les parties à accepter un règlement relativement à une opposition ou à une plainte, les parties à l'instance sont les suivantes :

a) l'employeur;

b) l'opposant ou le plaignant;

c) l'agent négociateur (si le programme d'équité salariale est relié à une unité de négociation) ou les employés visés par le programme (si celui-ci n'est pas relié à une unité de négociation).

Avis

(2) Lorsque le Tribunal ou l'agent de révision exige que l'employeur donne un avis à ses employés, celui-ci affiche l'avis sur les lieux de travail, et l'avis ainsi affiché est réputé suffisant à l'égard de tous les employés du lieu de travail.

Représentation

(3) Un employé ou un groupe d'employés peuvent désigner une personne ou une organisation comme leur mandataire devant le Tribunal ou l'agent de révision.

Idem

(4) Lorsqu'un employé ou un groupe d'employés avisent par écrit le Tribunal de leur désir de garder l'anonymat, leur mandataire devient à leur place la partie à l'instance devant le Tribunal ou l'agent de révision.

Idem

(5) Lorsque le paragraphe (4) s'applique, le mandataire peut, en son nom, prendre toutes les mesures qu'un employé peut prendre aux termes de la présente loi. Il peut notamment déposer une opposition en vertu de la partie II et déposer une plainte en vertu de la partie IV.

Bureau de l'équité salariale

33 (1) Le Bureau de l'équité salariale est chargé de l'exécution de la présente loi et des ordonnances du Tribunal.

Idem

(2) Le Bureau de l'équité salariale possède notamment les attributions suivantes :

a) il peut effectuer des recherches et préparer des rapports concernant n'importe quel aspect de l'équité salariale et des questions connexes et peut également formuler des recommandations au ministre en ce qui concerne l'objet de ces recherches ou rapports;

(b) may conduct public education programs and provide information concerning any aspect of pay equity and related subjects;

(c) shall provide support services to the Hearings Tribunal;

(d) shall conduct such studies as the Minister requires and make reports and recommendations in relation thereto; and

(e) shall conduct a study with respect to systemic gender discrimination in compensation for work performed, in sectors of the economy where employment has traditionally been predominantly female, by female job classes in establishments that have no appropriate male job classes for the purpose of comparison under section 5 and, within one year of the effective date, shall make reports and recommendations to the Minister in relation to redressing such discrimination.

Chief administrative officer

(3) The Lieutenant Governor in Council shall appoint a person to be the head of the Pay Equity Office and that person shall be the chief administrative officer of the Commission.

Minister may require studies, etc.

(4) The Minister may require the Pay Equity Office to conduct such studies related to pay equity as are set out in a request to the head of the Office and to make reports and recommendations in relation thereto.

Annual report

(5) Not later than the 31st day of March in each year, the head of the Pay Equity Office shall make an annual report to the Minister on the activities and affairs of the Commission and the Minister shall table the report before the Assembly if it is in session or, if not, at the next session.

Review officers, designation

34.—(1) The head of the Pay Equity Office shall designate one or more employees of the Office to be review officers.

Review officers, duties

(2) Review officers shall monitor the preparation and implementation of pay equity plans, shall investigate objections and complaints filed with the Commission, may attempt to effect settlements and shall take such other action as is set out in this Act or in an order of the Hearings Tribunal.

b) il peut instituer à l'intention du public des programmes d'information concernant n'importe quel aspect de l'équité salariale et des questions connexes;

c) il fournit des services d'appoint au Tribunal;

d) il mène les études qu'exige le ministre et prépare des rapports et formule des recommandations en ce qui concerne l'objet de ces études;

e) il mène une étude au sujet de la discrimination systémique entre les sexes en ce qui concerne la rétribution du travail effectué, dans les secteurs de l'économie où la main-d'oeuvre est traditionnellement à prédominance féminine, par des catégories d'emplois à prédominance féminine dans les établissements qui n'ont pas de catégories d'emplois à prédominance masculine appropriées aux fins d'établir la comparaison visée à l'article 5; dans l'année qui suit la date d'entrée en vigueur, il prépare des rapports et formule des recommandations à l'intention du ministre en vue d'éliminer cette discrimination.

Responsable de l'administration

(3) Le lieutenant-gouverneur en conseil nomme une personne à la direction du Bureau de l'équité salariale. Cette personne est le responsable de l'administration de la Commission.

Études exigées par le ministre

(4) Le ministre peut exiger que le Bureau de l'équité salariale mène les études liées à l'équité salariale que précise une demande qu'il adresse au dirigeant du Bureau. Il peut également exiger que le Bureau prépare des rapports et formule des recommandations en ce qui concerne l'objet de ces études.

Rapport annuel

(5) Le dirigeant du Bureau de l'équité salariale présente au ministre, au plus tard le 31 mars de chaque année, un rapport annuel sur les activités et affaires de la Commission. Le ministre le dépose devant l'Assemblée si elle siège, sinon il le fait à la session suivante.

Désignation des agents de révision

34 (1) Le dirigeant du Bureau de l'équité salariale désigne un ou plusieurs employés du Bureau comme agents de révision.

Fonctions des agents de révision

(2) Il incombe aux agents de révision de contrôler l'élaboration et la mise en oeuvre des programmes d'équité salariale et de mener des enquêtes au sujet des oppositions et des plaintes qui ont été déposées auprès de la Commission. Ils peuvent tenter d'amener les parties à accepter un règlement.

Powers

(3) A review officer, for the purpose of carrying out his or her duties,

(a) may enter any place at any reasonable time;

(b) may request the production for inspection of documents or things that may be relevant to the carrying out of the duties;

(c) upon giving a receipt therefor, may remove from a place documents or things produced pursuant to a request under clause (b) for the purpose of making copies or extracts and shall promptly return them to the person who produced them;

(d) may question a person on matters that are or may be relevant to the carrying out of the duties subject to the person's right to have counsel or some other representative present during the examination; and

(e) may provide in an order made under subsection 16 (2) or 24 (1) that any job class is a female job class or a male job class.

Non-application of R.S.O. 1980, c. 484

(4) The *Statutory Powers Procedure Act* does not apply to a review officer and he or she is not required to hold a hearing before making an order authorized by this Act.

Entry to dwellings

35.—(1) A person shall not exercise a power of entry conferred by this Act to enter a place that is being used as a dwelling without the consent of the occupier except under the authority of a warrant issued under this section.

Warrant for search

(2) Where a justice of the peace is satisfied on evidence upon oath that there are in a place documents or things that there is reasonable ground to believe will afford evidence relevant to the carrying out of a review officer's duties under this Act, the justice of the peace may issue a warrant in the prescribed form authorizing the review officer named in the warrant to search the place for any such documents or things and to remove them for the purposes of making copies or extracts and they shall be returned promptly to the place from which they were removed.

Il leur incombe de prendre toute autre mesure prévue par la présente loi ou par une ordonnance du Tribunal.

Pouvoirs

(3) Dans l'exercice de ses fonctions, l'agent de révision peut :

a) à une heure raisonnable, pénétrer dans un endroit quelconque;

b) exiger la production, à des fins d'inspection, de documents ou d'objets qui peuvent être reliés à l'exercice de ses fonctions;

c) après avoir donné un récépissé à cet effet, enlever de quelque endroit où ils se trouvent, les documents ou les objets produits à la suite de la demande formulée en vertu de l'alinéa b), aux fins d'en tirer des copies ou des extraits, après quoi ils sont promptement retournés à la personne qui les a produits;

d) interroger quiconque sur des questions qui sont ou peuvent être reliées à l'exercice de ses fonctions, sous réserve du droit de cette personne à la présence d'un avocat ou d'un autre représentant lors de l'interrogatoire;

e) stipuler, dans un ordre donné aux termes des paragraphes 16 (2) ou 24 (1), qu'une catégorie d'emplois est une catégorie d'emplois à prédominance féminine ou une catégorie d'emplois à prédominance masculine.

Non-application du chap. 484 des L.R.O. de 1980

(4) La *Loi sur l'exercice des compétences légales* ne s'applique pas à un agent de révision, et celui-ci n'est pas obligé de tenir une audience avant de donner un ordre autorisé par la présente loi.

Accès à un logement

35 (1) Le pouvoir accordé par la présente loi de pénétrer dans un endroit qui sert de logement, ne peut être exercé sans la permission de l'occupant, sauf en vertu d'un mandat délivré aux termes du présent article.

Mandat de perquisition

(2) Le juge de paix qui est convaincu, sur la foi de témoignages recueillis sous serment, qu'il se trouve dans un endroit quelconque des documents ou des objets qu'on peut raisonnablement croire susceptibles de fournir des preuves à l'agent de révision dans l'exercice de ses fonctions aux termes de la présente loi, peut délivrer un mandat de perquisition rédigé selon la formule prescrite. Le mandat autorise l'agent de révision qui y est nommé à perquisitionner à cet endroit en vue d'en enlever les pièces précitées pour en tirer des copies ou des

Warrant for entry

(3) Where a justice of the peace is satisfied on evidence upon oath that there is reasonable ground to believe it is necessary that a place being used as a dwelling or to which entry has been denied be entered so that a review officer may carry out his or her duties under this Act, the justice of the peace may issue a warrant in the prescribed form authorizing such entry by the review officer named in the warrant.

Execution and expiry of warrant

(4) A warrant issued under this section,

(a) shall specify the hours and days during which it may be executed; and

(b) shall name a date on which it expires, which date shall not be later than fifteen days after its issue.

Obstruction

(5) No person shall hinder, obstruct or interfere with a review officer in the execution of a warrant or otherwise impede a review officer in carrying out his or her duties under this Act.

Idem

(6) Subsection (5) is not contravened where a person refuses to produce documents or things, unless a warrant has been issued under subsection (2).

Admissibility of copies

(7) Copies of, or extracts from, documents and things removed from premises under this Act and certified as being true copies of, or extracts from, the originals by the person who made them are admissible in evidence to the same extent as, and have the same evidentiary value as, the documents or things of which they are copies or extracts.

PART VI

Regulations and Miscellaneous

Regulations

36. The Lieutenant Governor in Council may make regulations,

(a) prescribing forms and notices and providing for their use;

(b) prescribing methods for determining the historical incumbency of a job class;

(c) prescribing criteria that shall be taken into account in deciding whether a job class is a female job class or a male job class;

extraits, après quoi elles sont promptement retournées à cet endroit.

Mandat pour pénétrer dans un endroit

(3) Le juge de paix qui est convaincu, sur la foi de témoignages recueillis sous serment, qu'il existe des motifs raisonnables de croire qu'il est nécessaire qu'un agent de révision, dans l'exercice de ses fonctions en vertu de la présente loi, pénètre dans un endroit qui sert de logement ou dont l'accès a été refusé, peut délivrer un mandat rédigé selon la formule prescrite, autorisant l'agent de révision qui y est nommé à pénétrer dans cet endroit.

Exécution et caducité du mandat

(4) Le mandat délivré aux termes du présent article :

a) précise les jours et les heures pendant lesquels il peut être exécuté;

b) porte une date de caducité qui ne peut être postérieure à quinze jours de sa délivrance.

Interdiction d'entraver

(5) Nul ne doit entraver ni gêner un agent de révision dans l'exécution d'un mandat ni d'une autre façon l'empêcher d'exercer ses fonctions aux termes de la présente loi.

Idem

(6) Sauf si un mandat a été délivré aux termes du paragraphe (2), le paragraphe (5) n'est pas enfreint par le refus d'une personne de produire des documents ou des objets.

Admissibilité des copies

(7) Les copies ou extraits qu'une personne a tirés des documents et des objets qui ont été enlevés d'un endroit aux termes de la présente loi et que cette personne certifie être conformes aux originaux, sont admissibles en preuve dans la même mesure et ont la même valeur probante que les documents ou les objets dont ils sont tirés.

PARTIE VI

Règlements et dispositions diverses

Règlements

36 Le lieutenant-gouverneur en conseil peut, par règlement :

a) prescrire des formules et des avis, et prévoir les modalités de leur emploi;

b) prescrire les méthodes à utiliser pour déterminer le sexe des personnes qui occupent traditionnellement les postes d'une catégorie d'emplois;

c) prescrire des critères dont il est tenu compte aux fins de déterminer si une catégorie d'emplois est

(d) prescribing the method of valuing any form of compensation;

(e) prescribing criteria that shall be taken into account in determining whether work performed in two job classes is of equal or comparable value;

(f) prescribing criteria that shall be taken into account in deciding whether or not a difference in compensation between a female job class and a male job class is a difference that is permitted by subsection 8 (1) or (2);

(g) permitting the Hearings Tribunal, on the application of an employer and in accordance with such criteria as may be prescribed in the regulations, to change the mandatory posting date and the dates for adjustments in compensation to dates later than those set out in Part II and to vary the minimum adjustments in compensation required by that Part, subject to such conditions as the Hearings Tribunal may impose in its order granting the application;

(h) adding to the Appendix to the Schedule any person or class of persons or any agency, authority, board, commission, corporation or organization of any kind and providing that the mandatory posting date for an entity so added shall be such date as is set out in the regulations.

Review of Act

37.—(1) Seven years after the effective date, the Lieutenant Governor in Council shall appoint a person who shall undertake a comprehensive review of this Act and its operation.

Report to Minister

(2) The person appointed under subsection (1) shall prepare a report on his or her findings and shall submit the report to the Minister.

Idem

(3) The Minister shall table the report before the Assembly if it is in session or, if not, at the next session.

Moneys

38. The moneys required for the purposes of this Act by the Crown in right of Ontario shall, until the 31st day of March, 1988, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

une catégorie d'emplois à prédominance féminine ou une catégorie d'emplois à prédominance masculine;

d) prescrire la méthode à utiliser pour déterminer la valeur de toute forme de rétribution;

e) prescrire des critères dont il est tenu compte aux fins de déterminer si le travail effectué dans deux catégories d'emplois est de valeur égale ou comparable;

f) prescrire des critères dont il est tenu compte aux fins de déterminer si un écart de rétribution entre une catégorie d'emplois à prédominance féminine et une catégorie d'emplois à prédominance masculine est un écart permis par les paragraphes 8 (1) ou (2);

g) permettre au Tribunal, à la demande d'un employeur et conformément aux critères qui peuvent être prescrits dans les règlements, de reporter la date d'affichage obligatoire et les dates des rajustements de la rétribution à des dates postérieures à celles que prévoit la partie II, ainsi que de modifier les rajustements minimaux de la rétribution exigés par cette partie, aux conditions que le Tribunal peut imposer dans l'ordonnance par laquelle il consent à la demande;

h) ajouter à l'appendice de l'annexe une personne, une catégorie de personnes ou un organisme, un office, un conseil, une commission, une personne morale ou une organisation quelconque, et prévoir que la date d'affichage obligatoire de ces derniers est celle qui figure aux règlements.

Examen de la loi

37 (1) Sept ans après la date d'entrée en vigueur, le lieutenant-gouverneur en conseil nomme une personne qui procède à l'examen global de la présente loi et des modalités de son application.

Rapport au ministre

(2) La personne nommée aux termes du paragraphe (1) rédige un rapport qui énonce ses conclusions et le présente au ministre.

Idem

(3) Le ministre dépose le rapport devant l'Assemblée si elle siège, sinon il le fait à la session suivante.

Sommes d'argent

38 Les sommes d'argent nécessaires à la Couronne du chef de l'Ontario pour l'application de la présente loi sont prélevées, jusqu'au 31 mars 1988, sur le Fonds du revenu conso-

Crown bound

39. This Act binds the Crown in right of Ontario.

Commencement

40. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

41. The short title of this Act is the *Pay Equity Act, 1987*.

SCHEDULE

1. The public sector in Ontario consists of,

(a) the Crown in right of Ontario, every agency thereof, and every authority, board, commission, corporation, office or organization of persons a majority of whose directors, members or officers are appointed or chosen by or under the authority of the Lieutenant Governor in Council or a member of the Executive Council;

R.S.O. 1980, c. 303

(b) the corporation of every municipality in Ontario, every local board as defined by the *Municipal Affairs Act*, and every authority, board, commission, corporation, office or organization of persons whose members or officers are appointed or chosen by or under the authority of the council of the corporation of a municipality in Ontario;

R.S.O. 1980, c. 129

(c) every board as defined in the *Education Act*, and every college, university or post-secondary school educational institution in Ontario the majority of the capital or annual operating funds of which are received from the Crown;

R.S.O. 1980, cc. 410, 389, 79, 391

(d) every hospital listed in the Schedule to Regulation 863 of Revised Regulations of Ontario, 1980 made under the *Public Hospitals Act*, every private hospital operated under the authority of a licence issued under the *Private Hospitals Act*, every hospital established or approved by the Lieutenant Governor in Council as a community psychiatric hospital under the *Community Psychiatric Hospitals Act* and every sanitarium licensed by the Lieutenant Governor in Council under the *Private Sanitaria Act*;

(e) every corporation with share capital, at least 90 per cent of the issued shares of which are beneficially held by or for an employer or employers described in clauses (a) to (d), and every wholly-owned subsidiary thereof;

(f) every corporation without share capital, the majority of whose members or officers are members of, or are appointed or chosen by or under the authority of, an employer or employers described in clauses (a) to (d), and every wholly-owned subsidiary thereof;

1983, c. 10

(g) every board of health under the *Health Promotion and Protection Act, 1983*, and every board of health under an Act of the Legislature that establishes or continues a regional municipality;

lidé. Après cette date, ces sommes sont prélevées sur les sommes affectées à cette fin par la Législature.

39 La présente loi lie la Couronne du chef de l'Ontario. La Couronne est liée

40 La présente loi entre en vigueur le jour que le lieutenant-gouverneur fixe par proclamation. Entrée en vigueur

41 Le titre abrégé de la présente loi est *Loi de 1987 sur l'équité salariale*. Titre abrégé

ANNEXE

1 Le secteur public en Ontario se compose des éléments suivants :

a) la Couronne du chef de l'Ontario, les organismes qui en relèvent, ainsi que les offices, conseils, commissions, personnes morales, les bureaux et organisations de personnes dont la majorité des administrateurs, des membres ou des dirigeants sont nommés ou choisis par le lieutenant-gouverneur en conseil ou par un membre du Conseil des ministres ou avec leur approbation;

b) les municipalités de l'Ontario, les conseils locaux au sens de la *Loi sur les affaires municipales*, ainsi que les offices, conseils, commissions, personnes morales, les bureaux et organisations de personnes dont les membres ou les dirigeants sont nommés ou choisis par le conseil d'une municipalité de l'Ontario ou avec son approbation; L.R.O. 1980, chap. 303

c) les conseils au sens de la *Loi sur l'éducation*, ainsi que les collèges, les universités et les établissements d'enseignement postsecondaire de l'Ontario qui reçoivent la majeure partie de leur capital ou de leurs fonds annuels de fonctionnement de la Couronne; L.R.O. 1980, chap. 129

d) les hôpitaux dont le nom figure à l'annexe du Règlement 863 des Règlements refondus de l'Ontario de 1980 pris en application de la *Loi sur les hôpitaux publics*, les hôpitaux privés exploités aux termes d'un permis délivré en vertu de la *Loi sur les hôpitaux privés*, les hôpitaux établis ou agréés par le lieutenant-gouverneur en conseil à titre d'hôpitaux psychiatriques communautaires en vertu de la *Loi sur les hôpitaux psychiatriques communautaires*, ainsi que les maisons de santé titulaires d'un permis délivré par le lieutenant-gouverneur en conseil en vertu de la *Loi sur les maisons de santé*; L.R.O. 1980, chap. 410, 389, 79, 391

e) les personnes morales disposant d'un capital-actions dont au moins 90 pour cent des actions émises sont détenues à titre bénéficiaire par un ou plusieurs employeurs visés aux alinéas a) à d) ou pour le compte de ceux-ci, ainsi que les filiales en propriété exclusive de ces personnes morales;

f) les personnes morales sans capital-actions dont la majorité des membres ou des dirigeants sont nommés ou choisis par un ou plusieurs des employeurs visés aux alinéas a) à d) ou avec leur approbation, ou en sont membres, ainsi que les filiales en propriété exclusive de ces personnes morales;

g) les conseils de santé aux termes de la *Loi de 1983 sur la protection et la promotion de la santé*, ainsi que les conseils de santé aux termes d'une loi de la Législature qui crée ou maintient une municipalité régionale; 1983, chap. 10

(h) the Office of the Lieutenant Governor of Ontario, the Office of the Assembly, members of the Assembly, the Office of the Ombudsman and the Provincial Auditor; and

(i) any authority, board, commission, corporation, office, person or organization of persons, or any class of authorities, boards, commissions, corporations, offices, persons or organizations of persons, set out in the Appendix to this Schedule or added to the Appendix by the regulations made under this Act.

2. For the purposes of this Schedule, "municipality" includes a metropolitan, regional or district municipality and the County of Oxford.

APPENDIX

MINISTRY OF AGRICULTURE AND FOOD

1. Ontario Dairy Herd Improvement Corporation.

MINISTRY OF CITIZENSHIP AND CULTURE

1. The Art Gallery of Ontario.
2. CJRT-FM Inc.
3. Royal Botanical Gardens.

MINISTRY OF COLLEGES AND UNIVERSITIES

1. Algoma College.
2. Assumption University.
3. Brescia College.
4. Canterbury College.
5. Collège dominicain de philosophie et de théologie.
6. Concordia Lutheran Seminary.
7. Conrad Grebel College.
8. Hearst College.
9. Holy Redeemer College.
10. Huntington University.
11. Huron College.
12. Iona College.
13. King's College.
14. Knox College.
15. L'Université de Sudbury.
16. McMaster Divinity College.

h) le Bureau du lieutenant-gouverneur de l'Ontario et celui de l'Assemblée, les membres de l'Assemblée, le Bureau de l'ombudsman et celui du vérificateur provincial;

i) les offices, conseils, commissions, personnes morales, bureaux, personnes ou organisations de personnes et les catégories de ceux-ci qui figurent dans l'appendice à la présente annexe ou qui sont ajoutés à l'appendice au moyen de règlements pris en application de la présente loi.

2 Pour l'application de la présente annexe, le terme «municipalité» s'entend en outre d'une municipalité régionale, de district ou de communauté urbaine, ainsi que du comté d'Oxford.

APPENDICE

MINISTÈRE DE L'AGRICULTURE ET DE L'ALIMENTATION

1. Ontario Dairy Herd Improvement Corporation.

MINISTÈRE DES AFFAIRES CIVIQUES ET CULTURELLES

1. Musée des beaux-arts de l'Ontario.
2. CJRT-FM Inc.
3. Royal Botanical Gardens.

MINISTÈRE DES COLLÈGES ET UNIVERSITÉS

1. Algoma College.
2. Assumption University.
3. Brescia College.
4. Canterbury College.
5. Collège dominicain de philosophie et de théologie.
6. Concordia Lutheran Seminary.
7. Conrad Grebel College.
8. Collège de Hearst.
9. Holy Redeemer College.
10. Huntington University.
11. Huron College.
12. Iona College.
13. King's College.
14. Knox College.
15. L'Université de Sudbury.
16. McMaster Divinity College.

17. Nipissing College.

18. Queen's Theological College.

19. Regis College.

20. Renison College.

21. St. Augustine's Seminary.

22. St. Paul's United College.

23. St. Paul University.

24. St. Peter's Seminary.

25. The University of St. Jerome's College.

26. The University of St. Michael's College.

27. Thorneloe University.

28. Trinity College.

29. Victoria University.

30. Waterloo Lutheran Seminary.

31. Wycliffe College.

MINISTRY OF COMMUNITY AND SOCIAL SERVICES

1. Any authority, board, commission, corporation, office, person or organization of persons which operates or provides,

(a) children's residences operating under the *Child and Family Services Act, 1984* (c. 55);

(b) homes for the aged operating under the *Homes for the Aged and Rest Homes Act* (R.S.O. 1980, c. 203);

(c) counselling services and staff training purchased by municipalities under the *General Welfare Assistance Act* (R.S.O. 1980, c. 188);

(d) counselling services purchased by the Ministry of Community and Social Services under the *Ministry of Community and Social Services Act* (R.S.O. 1980, c. 273);

(e) hostels providing services purchased by municipalities under the *General Welfare Assistance Act* (R.S.O. 1980, c. 188);

(f) work activity projects under the *General Welfare Assistance Act* (R.S.O. 1980, c. 188) purchased by municipalities or the Ministry of Community and Social Services;

17. Nipissing College.

18. Queen's Theological College.

19. Regis College.

20. Renison College.

21. St. Augustine's Seminary.

22. St. Paul's United College.

23. Université Saint-Paul.

24. St. Peter's Seminary.

25. The University of St. Jerome's College.

26. The University of St. Michael's College.

27. Thorneloe University.

28. Trinity College.

29. Victoria University.

30. Waterloo Lutheran Seminary.

31. Wycliffe College.

MINISTÈRE DES SERVICES SOCIAUX ET COMMUNAUTAIRES

1 Les offices, conseils, commissions, personnes morales, bureaux, personnes ou organisations de personnes qui assurent le fonctionnement des organismes ci-dessous ou qui fournissent les services suivants :

a) les foyers pour enfants qui fonctionnent en vertu de la *Loi de 1984 sur les services à l'enfance et à la famille* (chap. 55);

b) les foyers pour personnes âgées qui fonctionnent en vertu de la *Loi sur les foyers pour personnes âgées et les maisons de repos* (L.R.O. 1980, chap. 203);

c) les services de consultation et de formation du personnel qui sont achetés par des municipalités en vertu de la *Loi sur l'aide sociale générale* (L.R.O. 1980, chap. 188);

d) les services de consultation qui sont achetés par le ministère des Services sociaux et communautaires en vertu de la *Loi sur le ministère des Services sociaux et communautaires* (L.R.O. 1980, chap. 273);

e) les centres d'accueil qui fournissent des services qui sont achetés par des municipalités en vertu de la *Loi sur l'aide sociale générale* (L.R.O. 1980, chap. 188);

f) des programmes d'adaptation au travail en vertu de la *Loi sur l'aide sociale générale* (L.R.O. 1980, chap. 188) qui sont achetés par des municipalités ou par le ministère des Services sociaux et communautaires;

(g) support services to the physically handicapped purchased by the Ministry of Community and Social Services under the *Ministry of Community and Social Services Act* (R.S.O. 1980, c. 273);

(h) vocational rehabilitation services funded by the Ministry of Community and Social Services under the *Vocational Rehabilitation Services Act* (R.S.O. 1980, c. 525);

(i) satellite homes operating or funded under the *Homes for the Aged and Rest Homes Act* (R.S.O. 1980, c. 203);

(j) nursing services purchased or funded under the *Homemakers and Nurses Services Act* (R.S.O. 1980, c. 200);

(k) workshops under the *Vocational Rehabilitation Services Act* (R.S.O. 1980, c. 525);

(l) services funded under the *Developmental Services Act* (R.S.O. 1980, c. 118);

(m) homes for retarded persons and auxiliary residences under the *Homes for Retarded Persons Act* (R.S.O. 1980, c. 201);

(n) day nurseries operated by corporations or municipalities under the *Day Nurseries Act* (R.S.O. 1980, c. 111) receiving direct subsidies from the Ministry of Community and Social Services;

(o) day nurseries and private home day-care agencies providing services and funded under agreements with municipalities under the *Day Nurseries Act* (R.S.O. 1980, c. 111);

(p) credit counselling services receiving financial assistance under agreements with the Ministry of Community and Social Services under the *Ministry of Community and Social Services Act* (R.S.O. 1980, c. 273);

(q) young offenders services funded under Part IV of the *Child and Family Services Act, 1984* (c. 55) or under an agreement with the Ministry of Community and Social Services under the *Ministry of Community and Social Services Act* (R.S.O. 1980, c. 273);

(r) services to children funded or purchased by the Ministry of Community and Social Services under the *Child and Family Services Act, 1984* (c. 55).

2. Societies within the meaning of the *Child and Family Services Act, 1984* (c. 55) and agencies from whom such societies purchase child care services.

3. Corporations operating charitable institutions approved under the *Charitable Institutions Act* (R.S.O. 1980, c. 64).

g) des services d'appoint pour les personnes atteintes d'un handicap physique qui sont achetés par le ministère des Services sociaux et communautaires en vertu de la *Loi sur le ministère des Services sociaux et communautaires* (L.R.O. 1980, chap. 273);

h) des services de réadaptation professionnelle financés par le ministère des Services sociaux et communautaires en vertu de la *Loi sur les services de réadaptation professionnelle* (L.R.O. 1980, chap. 525);

i) des foyers annexes qui fonctionnent ou qui sont financés en vertu de la *Loi sur les foyers pour personnes âgées et les maisons de repos* (L.R.O. 1980, chap. 203);

j) des services de soins infirmiers qui sont achetés ou financés en vertu de la *Loi sur les services d'aides familiales et d'infirmières visiteuses* (L.R.O. 1980, chap. 200);

k) des ateliers établis en vertu de la *Loi sur les services de réadaptation professionnelle* (L.R.O. 1980, chap. 525);

l) des services financés en vertu de la *Loi sur les services aux déficients mentaux* (L.R.O. 1980, chap. 118);

m) des foyers pour déficients mentaux et des établissements auxiliaires aux termes de la *Loi sur les foyers pour déficients mentaux* (L.R.O. 1980, chap. 201);

n) des garderies dont le fonctionnement est assuré par des personnes morales ou des municipalités en vertu de la *Loi sur les garderies* (L.R.O. 1980, chap. 111) qui reçoivent des subventions directes du ministère des Services sociaux et communautaires;

o) des garderies et des sociétés de garde d'enfants en maisons privées qui fournissent des services et qui sont financées aux termes d'ententes conclues avec des municipalités en vertu de la *Loi sur les garderies* (L.R.O. 1980, chap. 111);

p) des services de consultation en matière de crédit qui reçoivent une aide financière aux termes d'ententes conclues avec le ministère des Services sociaux et communautaires en vertu de la *Loi sur le ministère des Services sociaux et communautaires* (L.R.O. 1980, chap. 273);

q) des services aux jeunes contrevenants qui sont financés aux termes de la partie IV de la *Loi de 1984 sur les services à l'enfance et à la famille* (chap. 55) ou aux termes d'une entente conclue avec le ministère des Services sociaux et communautaires en vertu de la *Loi sur le ministère des Services sociaux et communautaires* (L.R.O. 1980, chap. 273);

r) des services aux enfants qui sont financés ou achetés par le ministère des Services sociaux et communautaires en vertu de la *Loi de 1984 sur les services à l'enfance et à la famille* (chap. 55).

2 Les sociétés au sens de la *Loi de 1984 sur les services à l'enfance et à la famille* (chap. 55) ainsi que les agences auprès desquelles ces sociétés achètent des services de soins aux enfants.

3 Les personnes morales qui assurent le fonctionnement d'établissements de bienfaisance agréés en vertu de la *Loi sur les établissements de bienfaisance* (L.R.O. 1980, chap. 64).

4. Boards of management operating under the *Homes for the Aged and Rest Homes Act* (R.S.O. 1980, c. 203).

5. District Welfare Administration Boards operating under the *District Welfare Administration Boards Act* (R.S.O. 1980, c. 122).

MINISTRY OF CORRECTIONAL SERVICES

1. Any agency, board, commission, person or partnership that provides, under funding by the Ministry of Correctional Services,

(a) assistance to witnesses, victims of crime or disabled persons;

(b) educational, employment search, medical or promotional services;

(c) supervision of inmates, parolees, probationers or persons accused of crime;

(d) community residential services.

MINISTRY OF EDUCATION

1. Centre franco-ontarien de ressources pédagogiques.

MINISTRY OF HEALTH

1. Any authority, board, commission, corporation, office, person or organization of persons which operates or provides,

(a) an ambulance service, under the authority of a licence issued under the *Ambulance Act* (R.S.O. 1980, c. 20);

(b) a nursing home, under the authority of a licence issued under the *Nursing Homes Act* (R.S.O. 1980, c. 320);

(c) a laboratory or a specimen collection centre, under the authority of a licence issued under the *Laboratory and Specimen Collection Centre Licensing Act* (R.S.O. 1980, c. 409);

(d) a psychiatric facility within the meaning of the *Mental Health Act* (R.S.O. 1980, c. 262), the operation of which is funded in whole or in part by the Ministry of Health;

(e) a home for special care established, approved or licensed under the *Homes for Special Care Act* (R.S.O. 1980, c. 202);

(f) a home care facility within the meaning of Regulation 452 of Revised Regulations of Ontario, 1980 made under the *Health Insurance Act* (R.S.O. 1980, c. 197) or a facility which, by arrangement with any such home care facility,

4 Les conseils de gestion qui fonctionnent en vertu de la *Loi sur les foyers pour personnes âgées et les maisons de repos* (L.R.O. 1980, chap. 203).

5 Les commissions de district pour l'administration de l'aide sociale fonctionnant en vertu de la *Loi sur les commissions de district pour l'administration de l'aide sociale* (L.R.O. 1980, chap. 122).

MINISTÈRE DES SERVICES CORRECTIONNELS

1 Les organismes, conseils, commissions, personnes ou sociétés en nom collectif qui fournissent, grâce au financement du ministère des Services correctionnels, les services suivants :

a) des services d'aide aux témoins, aux victimes d'actes criminels ou aux personnes handicapées;

b) des services d'enseignement, de recherche d'emploi, des services médicaux ou de promotion;

c) la surveillance de détenus, de personnes en liberté conditionnelle, de probationnaires ou de personnes accusées d'un acte criminel;

d) des services de placement en établissement communautaire.

MINISTÈRE DE L'ÉDUCATION

1 Centre franco-ontarien de ressources pédagogiques.

MINISTÈRE DE LA SANTÉ

1 Les offices, conseils, commissions, personnes morales, bureaux, personnes ou organisation de personnes qui assurent le fonctionnement des organismes ci-dessous ou qui fournissent les services suivants :

a) un service d'ambulance, aux termes d'un permis délivré en vertu de la *Loi sur les services d'ambulance* (L.R.O. 1980, chap. 20);

b) une maison de soins infirmiers, aux termes d'un permis délivré en vertu de la *Loi sur les maisons de soins infirmiers* (L.R.O. 1980, chap. 320);

c) un laboratoire médical ou un centre de prélèvements, aux termes d'un permis délivré en vertu de la *Loi autorisant des laboratoires médicaux et des centres de prélèvements* (L.R.O. 1980, chap. 409);

d) un établissement psychiatrique au sens de la *Loi sur la santé mentale* (L.R.O. 1980, chap. 262), dont le fonctionnement est financé entièrement ou en partie par le ministère de la Santé;

e) un foyer de soins spéciaux ouvert, agréé ou autorisé en vertu de la *Loi sur les foyers de soins spéciaux* (L.R.O. 1980, chap. 202);

f) un établissement de soins à domicile au sens du Règlement 452 des Règlements refondus de l'Ontario de 1980 pris en application de la *Loi sur l'assurance-maladie* (L.R.O. 1980, chap. 197) ou un établissement qui, aux termes d'une entente avec l'établissement de soins à domicile en question, répond aux conditions suivantes :

(i) supplies nursing, physiotherapy, occupational therapy or speech therapy services that are insured home care services under section 44 of Regulation 452 of Revised Regulations of Ontario, 1980 made under the *Health Insurance Act* (R.S.O. 1980, c. 197), and

(ii) is entitled to payment from the home care facility for or in respect of supplying such services;

(g) a rehabilitation centre or a crippled children's centre listed in Schedule 10 to Regulation 452 of Revised Regulations of Ontario, 1980 made under the *Health Insurance Act* (R.S.O. 1980, c. 197);

(h) a detoxification centre the operation of which is funded in whole or in part by the Ministry of Health;

(i) an adult community mental health service the operation of which is, pursuant to an agreement in writing, funded in whole or in part by the Ministry of Health;

(j) a placement service the operation of which is, pursuant to a "Placement Co-ordination Service Agreement" or other agreement in writing, funded in whole or in part by the Ministry of Health.

2. A district health council appointed under the *Ministry of Health Act* (R.S.O. 1980, c. 280).

3. A laundry that is operated exclusively for one or more than one hospital.

4. Hospital Food Services—Ontario Inc.

5. Toronto District Heating Corporation.

6. Addiction Research Foundation.

7. The operations in Ontario of the Canadian Red Cross Society, other than the provision by the society of home support services for the elderly and homemaking services.

8. The Hospital Council of Metropolitan Toronto.

9. The Hospital Medical Records Institute.

10. The Ontario Cancer Institute.

11. The Ontario Cancer Treatment and Research Foundation.

12. The Ontario Mental Health Foundation.

13. The Toronto Institute of Medical Technology.

MINISTRY OF INDUSTRY, TRADE AND TECHNOLOGY

1. Metropolitan Toronto Convention Centre.

(i) fournit des services de soins infirmiers, des services de physiothérapie, d'ergothérapie ou d'orthophonie qui sont des services de soins à domicile assurés aux termes de l'article 44 du Règlement 452 des Règlements refondus de l'Ontario de 1980 pris en application de la *Loi sur l'assurance-maladie* (L.R.O. 1980, chap. 197),

(ii) a droit au paiement, en contrepartie ou à l'égard de la fourniture des services en question, de frais qui lui sont versés par l'établissement des services à domicile en question;

g) un centre de rééducation ou un centre pour enfants infirmes qui figure sur la liste de l'Annexe 10 du Règlement 452 des Règlements refondus de l'Ontario de 1980 pris en application de la *Loi sur l'assurance-maladie* (L.R.O. 1980, chap. 197);

h) un centre de désintoxication dont le fonctionnement est financé entièrement ou en partie par le ministère de la Santé;

i) un service communautaire de santé mentale aux adultes dont le fonctionnement est financé entièrement ou en partie par le ministère de la Santé, aux termes d'une entente conclue par écrit;

j) un service de placement dont le fonctionnement est financé entièrement ou en partie par le ministère de la Santé, conformément à une «Entente de service de coordination des placements» ou d'une autre entente conclue par écrit.

2 Un conseil régional de santé établi en vertu de la *Loi sur le ministère de la Santé* (L.R.O. 1980, chap. 280).

3 Une blanchisserie qui est exploitée exclusivement aux fins d'un hôpital ou plus.

4 Services alimentaires hospitaliers—Ontario Inc.

5 Toronto District Heating Corporation.

6 Fondation de la recherche sur la toxicomanie.

7 Les activités en Ontario de la Société canadienne de la Croix-Rouge, autres que la fourniture de services d'appoint à domicile pour les personnes âgées et de services d'aides familiales.

8 The Hospital Council of Metropolitan Toronto.

9 The Hospital Medical Records Institute.

10 The Ontario Cancer Institute.

11 The Ontario Cancer Treatment and Research Foundation.

12 The Ontario Mental Health Foundation.

13 The Toronto Institute of Medical Technology.

MINISTÈRE DE L'INDUSTRIE, DU COMMERCE ET DE LA TECHNOLOGIE

1 Metropolitan Toronto Convention Centre.

MINISTRY OF MUNICIPAL AFFAIRS

1. Any authority, board, commission, corporation, office, person or organization of persons which operates or provides,

(a) the collection, removal and disposal of garbage and other refuse for a municipality;

(b) the operation and maintenance of buses for the conveyance of passengers under an agreement with a municipality.

MINISTRY OF NATURAL RESOURCES

1. Conservation Authorities established under the *Conservation Authorities Act* (R.S.O. 1980, c. 85).

MINISTRY OF TOURISM AND RECREATION

1. St. Clair Parkway Commission.

MINISTRY OF TREASURY AND ECONOMICS

1. Ontario Municipal Employees Retirement Board.

MINISTÈRE DES AFFAIRES MUNICIPALES

1 Les offices, conseils, commissions, personnes morales, bureaux, personnes ou organisations de personnes qui assurent le fonctionnement des organismes ci-dessous ou qui fournissent les services suivants :

a) la collecte, l'enlèvement et l'élimination des ordures ménagères et d'autres déchets pour le compte d'une municipalité;

b) le maintien et l'exploitation d'autobus pour le transport de passagers aux termes d'une entente conclue avec une municipalité.

MINISTÈRE DES RICHESSES NATURELLES

1 Les offices de protection de la nature créés en vertu de la *Loi sur les offices de protection de la nature* (L.R.O. 1980, chap. 85).

MINISTÈRE DU TOURISME ET DES LOISIRS

1 St. Clair Parkway Commission.

MINISTÈRE DU TRÉSOR ET DE L'ÉCONOMIE

1 La Commission du régime de retraite des employés municipaux de l'Ontario.

CHAPTER 35

An Act to revise the Pension Benefits Act

Assented to June 29th, 1987

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1. In this Act,

"additional voluntary contribution" means a contribution to the pension fund by a member of the pension plan beyond

any amount that the member is required to contribute, but does not include a contribution in relation to which the employer is required to make a concurrent additional contribution to the pension fund;

"administrator" means the person or persons that administer the pension plan;

"assets", in relation to an employer, means assets that in the ordinary course of business would be entered in books of account, whether or not a particular asset is entered in the books of account of the employer;

"bridging benefit" means a periodic payment provided under a pension plan to a former member of the pension plan for a temporary period of time after retirement for the purpose of supplementing the former member's pension benefit until the former member is eligible to receive benefits under the *Old Age Security Act* (Canada) or is either eligible for or commences to receive retirement benefits under the *Canada Pension Plan* or the *Quebec Pension Plan*; R.S.C. 1970, cc. O-6, C-5 R.S.Q. 1977, c. R-9

"certified copy" means a copy certified to be a true copy;

"collective agreement" has the same meaning as in the *Labour Relations Act*; R.S.O. 1980, c. 228

"Commission" means the Pension Commission of Ontario;

"commuted value" means the value calculated in the prescribed manner and as of a fixed date of a pension, a deferred pension, a pension benefit or an ancillary benefit;

"continuous", in relation to employment, membership or service, means without regard to periods of temporary suspension of the employment, membership or service and without regard to periods of lay-off from employment;

"contributory benefit" means a pension benefit or part of a pension benefit to which a member is required to make contributions under the terms of the pension plan;

"deferred pension" means a pension benefit, payment of which is deferred until the person entitled to the pension benefit reaches the normal retirement date under the pension plan;

"defined benefit" means a pension benefit other than a defined contribution benefit;

"defined contribution benefit" means a pension benefit determined with reference to and provided by contributions, and the interest on the contributions, paid by or for the credit of a member and determined on an individual account basis;

"designated province" means a province or territory of Canada that is prescribed by the regulations as a province or territory in which there is in force legislation substantially similar to this Act;

"employee" means a natural person who is employed by an employer;

"employer", in relation to a member or a former member of a pension plan, means the person or persons from whom or the organization from which the member or former member receives or received remuneration to which the pension plan is related, and "employed" and "employment" have a corresponding meaning;

"file" means file with the Superintendent;

"former member" means a person who has terminated employment or membership in a pension plan, and,

(a) is entitled to a deferred pension payable from the pension fund,

(b) is in receipt of a pension payable from the pension fund,

(c) is entitled to commence receiving payment of pension benefits from the pension fund within one year after termination of employment or membership, or

(d) is entitled to receive any other payment from the pension fund;

"Guarantee Fund" means the Pension Benefits Guarantee Fund continued by this Act;

"insurance company" means a corporation authorized to undertake life insurance in Canada;

"joint and survivor pension" means a pension payable during the joint lives of the person entitled to the pension and his or her spouse and thereafter during the life of the survivor of them;

"member" means a member of the pension plan;

"Minister" means the member of the Executive Council designated by the Lieutenant Governor in Council for the purposes of this Act;

"multi-employer pension plan" means a pension plan established and maintained for employees of two or more employers who contribute or on whose behalf contributions are made to a pension fund by reason of agreement, statute or municipal by-law to provide a pension benefit that is determined by service with one or more of the employers, but does not include a pension plan where all the employers are affiliates within the meaning of the *Business Corporations Act, 1982*; 1982, c. 4

"normal retirement date" means the date or age specified in the pension plan as the normal retirement date of members;

"partial wind up" means the termination of part of a pension plan and the distribution of the assets of the pension fund related to that part of the pension plan;

"participating employer", in relation to a multi-employer pension plan, means an employer required to make contributions to the multi-employer pension plan;

"pension" means a pension benefit that is in payment;

"pension benefit" means the aggregate monthly, annual or other periodic amounts payable to a member or former member during the lifetime of the member or former member, to which the member or former member will become entitled under the pension plan or to which any other person is entitled upon the death of a member or former member;

"pension committee" means a committee that is the administrator of a pension plan;

"pension fund" means the fund maintained to provide benefits under or related to the pension plan;

"pension plan" means a plan organized and administered to provide pensions for employees, but does not include,

(a) an employees' profit sharing plan or a deferred profit sharing plan as defined in sections 144 and 147 of the *Income Tax Act* (Canada), R.S.C. 1952, c. 148

(b) a plan to provide a retiring allowance as defined in subsection 248 (1) of the *Income Tax Act* (Canada), R.S.C. 1952, c. 148

(c) a plan under which all pension benefits are provided by contributions made by members, or

(d) any other prescribed type of plan;

"prescribed" means prescribed by the regulations;

"qualification date" means, in respect of Ontario, the 1st day of January, 1965, and, in respect of a designated province, the date on which under the law of the designated province a pension plan must be registered by the proper authority in the designated province;

"reciprocal transfer agreement" means an agreement related to two or more pension plans that provides for the transfer of moneys or credits for employment or both in respect of individual members;

"registration" means registration under this Act;

"regulations" means regulations made under this Act;

"spouse" means either of a man and woman who,

(a) are married to each other, or

(b) are not married to each other and are living together in a conjugal relationship,

(i) continuously for a period of not less than three years, or

(ii) in a relationship of some permanence, if they are the natural or adoptive parents of a child, both as defined in the *Family Law Act, 1986*; 1986, c. 4

"Superintendent" means Superintendent of Pensions;

"surplus" means the excess of the value of the assets of a pension fund related to a pension plan over the value of the liabilities under the pension plan, both calculated in the prescribed manner;

"termination", in relation to employment, includes retirement and death;

"trade union" has the same meaning as in the *Labour Relations Act*; R.S.O. 1980, c. 228

"wind up" means the termination of a pension plan and the distribution of the assets of the pension fund;

"Year's Maximum Pensionable Earnings" has the same meaning as in the *Canada Pension Plan*. R.S.C. 1970, c. C-5

APPLICATION

2. This Act binds the Crown. Crown bound

3. This Act applies to every pension plan that is provided for persons employed in Ontario. Employees in Ontario

4.—(1) For the purposes of this Act, a person shall be deemed to be employed in the province in which the establishment of his or her employer is located and to which the person is required to report for work. Place of employment

(2) A person who is not required to report for work at an establishment of his or her employer shall be deemed to be employed in the province in which is located the establishment of his or her employer from which the person's remuneration is paid. Idem

5. The requirements of this Act and the regulations shall not be construed to prevent the registration or administration of a pension plan and related pension fund that provide pension benefits or ancillary benefits more advantageous to members than those required by this Act and the regulations. Greater pension benefits

REGISTRATION AND ADMINISTRATION

6.—(1) No person shall administer a pension plan unless a certificate of registration or an acknowledgment of application for registration of the pension plan has been issued by the Superintendent. Prohibition of administration of unregistered pension plan

(2) Subsection (1) does not apply to prevent administration during the first ninety days after the establishment of the pension plan. Application of subs. (1)

7.—(1) No person shall administer a pension plan if registration of the pension plan has been refused or revoked by the Superintendent. Refusal or revocation

(2) Subsection (1) does not apply to prevent administration for the purpose of wind up of a pension plan. Exception

Administrator

8.—(1) A pension plan is not eligible for registration unless it is administered by an administrator who is,

(a) the employer or employers;

(b) a pension committee composed of one or more representatives of,

(i) the employer or employers, or any person, other than the employer or employers, required to make contributions under the pension plan, and

(ii) members of the pension plan;

(c) a pension committee composed of representatives of members of the pension plan;

(d) the insurance company that provides the pension benefits under the pension plan, if all the pension benefits under the pension plan are guaranteed by the insurance company;

(e) if the pension plan is a multi-employer pension plan established pursuant to a collective agreement or a trust agreement, a board of trustees appointed pursuant to the pension plan or a trust agreement establishing the pension plan of whom at least one-half are representatives of members of the multi-employer pension plan, and a majority of such representatives of the members shall be Canadian citizens or landed immigrants; or

(f) a board, agency or commission made responsible by an Act of the Legislature for the administration of the pension plan.

Additional members

(2) A pension committee, or a board of trustees, that is the administrator of a pension plan may include a representative or representatives of persons who are receiving pensions under the pension plan.

Affiliate

1982, c. 4

(3) For the purpose of clause (1) (b), "employer" includes "affiliate" as defined in the *Business Corporations Act, 1982*, if the employer is a body corporate.

Application for registration

9.—(1) The administrator of a pension plan shall apply to the Superintendent, within sixty days after the date on which the pension plan is established, for registration of the pension plan.

Requirements for registration

(2) An application for registration shall be made by paying the prescribed fee to the Commission and filing,

(a) a completed application in the prescribed form;

(b) certified copies of the documents that create and support the pension plan;

(c) certified copies of the documents that create and support the pension fund;

(d) a certified copy of any reciprocal transfer agreement related to the pension plan;

(e) a certified copy of the explanations and other information provided under subsection 26 (1); and

(f) any other prescribed documents.

Collective agreement

(3) For the purpose of subsection (2), "document" includes "collective agreement".

Contents of pension plan

10.—(1) The documents that create and support a pension plan shall set out the following information:

1. The method of appointment and the details of appointment of the administrator of the pension plan.

2. The conditions for membership in the pension plan.

3. The benefits and rights that are to accrue upon termination of employment, termination of membership, retirement or death.

4. The normal retirement date under the pension plan.

5. The requirements for entitlement under the pension plan to any pension benefit or ancillary benefit.

6. The contributions or the method of calculating the contributions required by the pension plan.

7. The method of determining benefits payable under the pension plan.

8. The method of calculating interest to be credited to contributions under the pension plan.

9. The mechanism for payment of the cost of administration of the pension plan and pension fund.

10. The mechanism for establishing and maintaining the pension fund.

11. The treatment of surplus during the continuation of the pension plan and on the wind up of the pension plan.

12. The obligation of the administrator to provide members with information and documents required to be disclosed under this Act and the regulations.

13. The method of allocation of the assets of the pension plan on windup.

14. Particulars of any predecessor pension plan under which members of the pension plan may be entitled to pension benefits.

15. Any other prescribed information related to the pension plan or pension fund or both.

Multi-employer pension plan

(2) The documents that create and support a multi-employer pension plan pursuant to a collective agreement or a trust agreement shall set out the powers and duties of the board of trustees that is the administrator of the multi-employer pension plan.

Gradual and uniform accrual of pension benefits

11.—(1) A pension plan is not eligible for registration unless it provides for the accrual of pension benefits in a gradual and uniform manner.

Variable contributions or pension benefits

(2) A pension plan is not eligible for registration if the formula for computation of the employer's contributions to the pension fund or the pension benefit provided under the pension plan is variable at the discretion of the employer.

Variable deferred profit-sharing

(3) A deferred profit-sharing pension plan or a pension plan that provides defined contribution benefits is not eligible for registration if the formula governing allocation of contributions to the pension fund and profits among members of the plan is variable at the discretion of the employer.

Exception

(4) Notwithstanding subsections (1), (2) and (3), the Superintendent may register a pension plan if the Superintendent is of the opinion that registration is justified in the circumstances of the pension plan and the members.

Application for registration of amendment

12.—(1) The administrator of a pension plan shall apply to the Superintendent, within sixty days after the date on which the pension plan is amended, for registration of the amendment.

Requirements for registration

(2) An application for registration of an amendment shall be made by paying the prescribed fee to the Commission and filing,

(a) a certified copy of the amending document;

(b) certified copies of any other prescribed documents; and

(c) any other prescribed information.

Filing of changes

(3) The administrator of a pension plan shall file a certified copy of each document that changes the documents that create and support the pension plan or pension fund.

When amendment becomes effective

13.—(1) An amendment to a pension plan is not effective until an application for registration of the amendment is made in accordance with this Act and the regulations.

Retroactive amendment

(2) An amendment to a pension plan may be made effective as of a date before the date on which the amendment is registered.

Reduction of benefits

14.—(1) An amendment to a pension plan is void if the amendment purports to reduce,

(a) the amount or the commuted value of a pension benefit accrued under the pension plan with respect to employment before the effective date of the amendment;

(b) the amount or the commuted value of a pension or a deferred pension accrued under the pension plan; or

(c) the amount or the commuted value of an ancillary benefit for which a member or former member has met all eligibility requirements under the pension plan necessary to exercise the right to receive payment of the benefit.

Application of subs. (1)

(2) Subsection (1) does not apply in respect of a multi-employer pension plan established pursuant to a collective agreement or a trust agreement.

Idem

(3) Subsection (1) does not apply in respect of a pension plan that provides defined benefits if the obligation of the employer to contribute to the pension fund is limited to a fixed amount set out in a collective agreement.

Acknowledgment of application for registration

15. The Superintendent shall issue an acknowledgment of application for registration of a pension plan within thirty days after receiving an application for the registration that complies with this Act and the regulations.

Issuance of certificate of registration

16. The Superintendent shall issue a certificate of registration for each pension plan registered under this Act.

Issuance of notice of registration

17. The Superintendent shall issue a notice of registration for each amendment to a pension plan registered under this Act.

Refusal or revocation of registration

18.—(1) The Superintendent may,

(a) refuse to register a pension plan that does not comply with this Act and the regulations;

(b) revoke the registration of a pension plan that does not comply with this Act and the regulations;

(c) revoke the registration of a pension plan that is not being administered in accordance with this Act and the regulations;

(d) refuse to register an amendment to a pension plan if the amendment is void or if the pension plan with the amendment would cease to comply with this Act and the regulations;

(e) revoke the registration of an amendment that does not comply with this Act and the regulations.

Application of subs. (1)

(2) The authority of the Superintendent under subsection (1) is subject to the right to a hearing under section 90.

Effect of refusal or revocation

(3) A refusal of registration of a pension plan or a revocation of registration of a pension plan operates to terminate the pension plan as of the date specified by the Superintendent.

Idem

(4) A refusal of registration of an amendment to a pension plan or the revocation of an amendment to a pension plan operates to terminate the amendment as of the date specified by the Superintendent.

Wind up

(5) Where registration of a pension plan is refused or revoked, the administrator shall wind up the pension plan in accordance with this Act and the regulations.

Conforming amendment

19.—(1) Every employer who maintains a pension plan on the date this Act comes into force shall amend the pension plan to conform with this Act and the regulations within two years after the date this Act comes into force.

Exception

R.S.O. 1980, c. 228

(2) If a pension plan is governed by a collective agreement or an arbitration award made under the *Labour Relations Act* that requires a provision contrary to this Act or the regulations and that is in effect on the date this section comes into force, the parties to the collective agreement or arbitration award shall amend the pension plan to conform to this Act and the regulations not later than the earlier of,

(a) the date that is three years after the date on which this section comes into force; or

(b) the date that is two years after the date on which this section comes into force, where the collective agreement or arbitration award expires within the two-year period.

Registration

R.S.O. 1980, c. 373

(3) The Superintendent shall not refuse to register a pension plan that is governed by a collective agreement or an arbitration award made under the *Labour Relations Act* that requires a provision contrary to this Act or the regulations and that is the subject of an application for registration submitted after this Act comes into force, if the collective agreement was entered into or the arbitration award was made before this Act comes into force and the pension plan would have been eligible for registration under the *Pension Benefits Act*.

Application of subs. (2)

(4) Subsection (2) applies to a pension plan referred to in subsection (3).

Duty of administrator

20.—(1) The administrator of a pension plan shall ensure that the pension plan and the pension fund are administered in accordance with this Act and the regulations.

Application of subs. (1)

(2) Subsection (1) applies whether or not the pension plan is amended to comply with this Act and the regulations.

Idem

(3) The administrator of a pension plan shall ensure that the pension plan and the pension fund are administered in accordance with,

(a) the filed documents in respect of which the Superintendent has issued an acknowledgment of application for registration or a certificate of registration, whichever is issued later; and

(b) the filed documents in respect of an application for registration of an amendment to the pension plan, if the application complies with this Act and the regulations and the amendment is not void under this Act.

Application of subs. (3)

(4) Subsection (3) does not apply to enable the administrator to administer the pension plan contrary to this Act and the regulations.

Idem, amendment

(5) The administrator of a pension plan may administer or permit administration of the pension plan and the pension fund in accordance with an amendment pending registration or refusal of registration of the amendment.

Administrator's annual information return

21.—(1) The administrator of a pension plan shall file each year an annual information return in respect of the pension plan in the prescribed form and shall pay the prescribed filing fee.

Additional reports

(2) The administrator of a pension plan shall file additional reports at the times and containing the information prescribed by the regulations.

Reciprocal transfer agreement

22. An administrator of a pension plan shall file a certified copy of a reciprocal transfer agreement entered into in respect of the pension plan.

Care, diligence and skill

23.—(1) The administrator of a pension plan shall exercise the care, diligence and skill in the administration and investment of the pension fund that a person of ordinary prudence would exercise in dealing with the property of another person.

Special knowledge and skill

(2) The administrator of a pension plan shall use in the administration of the pension plan and in the administration and investment of the pension fund all relevant knowledge and skill that the administrator possesses or, by reason of his or her profession, business or calling, ought to possess.

Member of pension committee, etc.

(3) Subsection (2) applies with necessary modifications to a member of a pension committee or board of trustees that is the administrator of a pension plan and to a member of a board, agency or commission made responsible by an Act of the Legislature for the administration of a pension plan.

Conflict of interest

(4) An administrator or, if the administrator is a pension committee or a board of trustees, a member of the committee or board that is the administrator of a pension plan shall not knowingly permit his or her interest to conflict with his or her duties and powers in respect of the pension fund.

Employment of agent

(5) Where it is reasonable and prudent in the circumstances so to do, the administrator of a pension plan may employ one or more agents to carry out any act required to be done in the administration of the pension plan and in the administration and investment of the pension fund.

Trustee of pension fund

(6) No person other than a prescribed person shall be a trustee of a pension fund.

Responsibility for agent

(7) An administrator of a pension plan who employs an agent shall personally select the agent and be satisfied of the agent's suitability to perform the act for which the agent is employed, and the administrator shall carry out such supervision of the agent as is prudent and reasonable.

Employee or agent

(8) An employee or agent of an administrator is also subject to the standards that apply to the administrator under subsections (1), (2) and (4).

Benefit by administrator

(9) The administrator of a pension plan is not entitled to any benefit from the pension plan other than pension benefits, ancillary benefits, a refund of contributions and fees and expenses related to the administration of the pension plan and permitted by the common law or provided for in the pension plan.

Member of pension committee, etc.

(10) Subsection (9) applies with necessary modifications to a member of a pension committee or board of trustees that is the administrator of a pension plan and to a member of a board, agency or commission made responsible by an Act of the Legislature for the administration of a pension plan.

Payment to agent

(11) An agent of the administrator of a pension plan is not entitled to payment from the pension fund other than the usual and reasonable fees and expenses for the services provided by the agent in respect of the pension plan.

Information from employer

24. An employer shall provide to the administrator of the pension plan any information required by the administrator for the purpose of complying with the terms of the pension plan or of this Act or the regulations.

Advisory committee

25.—(1) The members and former members of a pension plan, by the decision of a majority of them participating in a vote, may establish an advisory committee.

Representation

(2) Each class of employees that is represented in the pension plan is entitled to appoint at least one representative to the advisory committee established under subsection (1).

Idem, former members

(3) The former members of the pension plan are entitled to appoint one representative to the advisory committee established under subsection (1).

Purposes

(4) The purposes of an advisory committee are,

(a) to monitor the administration of the pension plan;

(b) to make recommendations to the administrator respecting the administration of the pension plan; and

(c) to promote awareness and understanding of the pension plan on the part of members of the pension plan and persons receiving pension benefits under the pension plan.

Examination of records

(5) The advisory committee or its representative has the right to examine the records of the administrator in respect of the administration of the pension plan and the pension fund and to make extracts from and copies of the records, but this subsection does not apply in respect of information as to the service, salary, pension benefits or other personal information related to any specific person without the person's prior consent.

Application of subs. (1)

(6) Subsection (1) does not apply,

(a) if the pension plan is administered by a pension committee at least one of the members of which is appointed by the members of the pension plan; or

(b) in respect of a multi-employer pension plan established pursuant to a collective agreement.

Administrator to provide information

(7) The administrator of a pension plan shall provide to the advisory committee or its representative such information as is under the control of the administrator and is required by the advisory committee or its representative for the purposes of the committee.

DISCLOSURE OF INFORMATION

Information from administrator

26.—(1) The administrator of a pension plan shall provide in writing to each person who will be eligible or is required to become a member of the pension plan,

(a) an explanation of the provisions of the plan that apply to the person;

(b) an explanation of the person's rights and obligations in respect of the pension plan; and

(c) any other information prescribed by the regulations.

Time

(2) The administrator shall provide the information mentioned in subsection (1),

(a) to each person who becomes a member within the prescribed period of time after the date on which the pension plan is established;

(b) to a person who is likely to become eligible to become a member of the pension plan, within the prescribed period of time before the date on which the person is likely to become eligible;

(c) to each person who becomes eligible to become a member of the pension plan upon becoming employed by the employer, within the prescribed period of time after the date on which the person becomes so employed.

Information from employer

(3) The employer shall transmit to the administrator the information necessary to enable the administrator to comply with subsection (2) and shall transmit the information in sufficient time to enable the administrator to comply with the time limits set out in that subsection.

Notice of proposed amendment

27.—(1) If the administrator of a pension plan applies for registration of an amendment to the pension plan that would result in a reduction of pension benefits accruing subsequent to the effective date of the amendment or that would otherwise adversely affect the rights or obligations of a member or former member or of any other person entitled to payment from the pension fund, the Superintendent shall require the administrator to transmit to such persons as the Superintendent may specify a written notice containing an explanation of the amendment and inviting comments to be submitted to the administrator and the Superintendent, and the administrator shall provide to the Superintendent a copy of the notice and

shall certify to the Superintendent the date on which the last such notice was transmitted.

Registration

(2) If the Superintendent has required the administrator to transmit notices under subsection (1), the Superintendent shall not register an amendment mentioned in that subsection before the expiration of forty-five days after the date certified to the Superintendent under that subsection, but after the expiration of the forty-five day period the Superintendent may register the amendment with such changes as are requested in writing by the administrator.

Notice after registration

(3) Within the prescribed period of time after an amendment to a pension plan is registered, the administrator shall transmit notice and a written explanation of the amendment to each member, former member or other person entitled to payment from the pension fund who is affected by the amendment.

Order dispensing with notice

(4) The Superintendent need not require the transmittal of notices under subsection (1) or by order may dispense with the notice required by subsection (3), or both,

(a) if the Superintendent is of the opinion that the amendment is of a technical nature or will not substantially affect the pension benefits, rights or obligations of a member or former member or will not adversely affect any person entitled to payments from the pension fund;

(b) if the amendment has been agreed to by a trade union that represents the members; or

(c) if the amendment is in respect of a multi-employer pension plan established pursuant to a collective agreement or a trust agreement.

Notice to trade union

(5) Where a proposed amendment affects members or former members represented by a trade union that is a party to a collective agreement filed as a document that creates or supports a pension plan, the administrator shall transmit to the trade union the written notice mentioned in subsection (1).

Annual statement of pension benefits

28. The administrator of a pension plan shall transmit annually to each member a written statement containing the prescribed information in respect of the pension plan, the member's pension benefits and any ancillary benefits.

Statement of benefits

29.—(1) Where a member of a pension plan terminates employment with the employer or otherwise ceases to be a

member, the administrator of the pension plan shall give to the member, or to any other person who as a result becomes entitled to a payment under the pension plan, a written statement setting out the prescribed information in respect of the benefits, rights and obligations of the member or other person.

Multi-employer pension plan

(2) Subsection (1) applies in respect of a multi-employer pension plan where a member ceases to be a member, but does not apply where a member terminates employment with an employer but continues to be a member.

Inspection of administrator's documents

30.—(1) On written request, the administrator of a pension plan shall make available the prescribed documents and information in respect of the pension plan and the pension fund for inspection without charge by,

(a) a member;

(b) a former member;

(c) the spouse of a member or former member;

(d) any other person entitled to pension benefits under the pension plan;

(e) an agent authorized in writing by a person mentioned in clause (a), (b), (c) or (d); or

(f) a representative of a trade union that represents members of the pension plan.

Place of inspection

(2) The administrator shall make the prescribed documents and information available,

(a) for a member, at the premises of the employer where the member is employed;

(b) for a former member, at the premises where the former member was employed; or

(c) for a member, former member or any other person, at such other location as may be agreed upon by the administrator and the member, former member or other person making the request.

Extracts or copies

(3) The administrator shall permit the person making the inspection to make extracts from or to copy the prescribed documents and information.

Idem

(4) On request, the administrator shall provide the person making the inspection with copies of any of the prescribed documents or information upon payment to the administrator of a reasonable fee.

Limitation

(5) A member, a former member, a spouse, an other person, an agent or a trade union by a representative is entitled to make an inspection under subsection (1) not more than once in a calendar year.

Inspection of filed documents

31. The individuals mentioned in clauses 30 (1) (a) to (f) are entitled to inspect at the offices of the Commission during business hours of the Commission the documents that comprise the pension plan and the pension fund and such other prescribed documents as are filed in respect of the pension plan and the pension fund, and are entitled to copies of the documents upon payment of the prescribed fees.

MEMBERSHIP

Eligibility for membership

32.—(1) Every employee of a class of employees for whom a pension plan is established is eligible to be a member of the pension plan.

Full-time employment

(2) An employee in a class of employees for whom a pension plan is maintained is entitled to become a member of the pension plan upon application at any time after completing twenty-four months of continuous full-time employment.

Part-time employment

(3) A pension plan may require not more than twenty-four months of less than full-time continuous employment with the employer, with the lesser of,

(a) earnings of not less than 35 per cent of the Year's Maximum Pensionable Earnings; or

(b) 700 hours of employment with the employer,

in each of two consecutive calendar years immediately prior to membership in the pension plan, or such equivalent basis as is approved by the Superintendent, as a condition precedent to membership in the pension plan.

Multi-employer pension plan

(4) A multi-employer pension plan may require not more than the lesser of,

(a) earnings of not less than 35 per cent of the Year's Maximum Pensionable Earnings with one or more of the participating employers; or

(b) 700 hours of employment with one or more participating employers,

in each of the two consecutive calendar years immediately before the year in which membership is applied for, or such equivalent basis as is approved by the Superintendent, as a condition precedent to membership in the multi-employer pension plan.

Approval

(5) The Superintendent may give the approval mentioned in subsection (3) or (4) if the Superintendent is of the opinion that the basis is equivalent in the circumstances to the earnings mentioned in the subsection.

Loss of membership

33. A member of a pension plan who is employed continuously on a less than full-time basis does not cease to be a member by reason only that he or she has earnings of less than 35 per cent of the Year's Maximum Pensionable Earnings in a calendar year or is employed for fewer than 700 hours in a calendar year.

Dispute as to member of class of employees

34.—(1) Where there is a dispute as to whether or not an employee is a member of a class of employees for whom a pension plan is established or maintained, the Superintendent, subject to section 90, by order may require the administrator to accept the employee as a member.

Ground for order

(2) The Superintendent may make the order if the Superintendent is of the opinion that, on the basis of the nature of the employment or of the terms of employment of the employee, the employee is a member of the class.

Separate pension plan

35. An employer may establish or maintain a separate pension plan for employees employed in less than full-time continuous employment if the separate pension plan provides pension benefits and other benefits reasonably equivalent to those provided under the pension plan maintained by the employer for employees of the same class employed in full-time continuous employment.

RETIREMENT AND VESTING

Normal retirement date

36.—(1) The normal retirement date under a pension plan submitted for registration after the date this Act comes into force shall not be later than one year after the attainment of sixty-five years of age.

Transitional

(2) Every pension plan registered or submitted for registration before the date on which this Act comes into force shall be deemed to specify a normal retirement date in respect of

pension benefits that accrue after that date that is not later than one year after attainment of sixty-five years of age, unless the pension plan specifies an earlier retirement date.

Right to pension

(3) A member of a pension plan who continues employment and membership in the pension plan after attaining the age that is the normal retirement date under the pension plan is entitled on retirement from employment to payment of the pension benefits to which the member would have been entitled had the member retired from employment or terminated membership in the persion plan on attaining the normal retirement date and any additional pension benefits accrued under the pension plan that result from the member's employment after the normal retirement date.

Continuation after normal retirement date

(4) A member of a pension plan who continues employment after attaining the age that is the normal retirement date under the pension plan and who is not receiving a pension under the pension plan is entitled to continue membership in the pension plan and has the right to continue to accrue pension benefits under the pension plan subject to any terms of the pension plan,

(a) fixing a maximum number of years of employment or membership that can be taken into account for purposes of determining a pension benefit; or

(b) fixing a maximum amount of the pension benefit.

Deferred pension for past service

37.—(1) A member of a pension plan who meets the qualifications in subsection (2) is entitled to the benefit mentioned in subsection (3).

Qualifications

(2) The qualifications are,

(a) that the member must have been employed by the employer, or have been a member of the pension plan, for a continuous period of at least ten years;

(b) that the member must have reached the age of forty-five years; and

(c) that the member must terminate his or her employment with the employer before reaching the normal retirement date under the pension plan.

Amount

(3) The benefit is a deferred pension equal to the pension benefit provided under the pension plan as it existed on the 31st day of December, 1986 in respect of employment before

the 1st day of January, 1987 in Ontario or in a designated province,

(a) under the terms of the pension plan, with respect to employment on or after the qualification date;

(b) by an amendment to the pension plan made on or after the qualification date; and

(c) by the creation of a new pension plan on or after the qualification date.

Application of subss. (1-3)

(4) Subsections (1) to (3) do not apply in respect of benefits that result from additional voluntary contributions.

Deferred pension

38.—(1) A member of a pension plan who meets the qualifications in subsection (2) is entitled to the benefit mentioned in subsection (3).

Qualifications

(2) The qualifications are,

(a) that the member must be a member on or after the date on which this Act comes into force;

(b) that the member must be a member for a continuous period of at least twenty-four months; and

(c) that the member must terminate his or her employment with the employer before reaching the normal retirement date under the pension plan.

Amount

(3) The benefit is a deferred pension equal to the pension benefit provided in respect of employment in Ontario or in a designated province,

(a) under the pension plan in respect of employment by the employer after the later of the 31st day of December, 1986 or the qualification date if the qualification date is later than the 31st day of December, 1986;

(b) under any amendment made to the pension plan after the 31st day of December, 1986; and

(c) under any new pension plan established after the 31st day of December, 1986 for members of the pension plan.

Application of subss. (1-3)

(4) Subsections (1) to (3) do not apply in respect of benefits that result from additional voluntary contributions.

Termination by member

39.—(1) A person who is,

(a) a member of a multi-employer pension plan;

(b) a member of a pension plan who is employed by the employer on a less than full-time basis; or

(c) a member of a pension plan who has been laid off from employment by the employer,

is entitled to terminate his or her membership in the pension plan if no contributions are paid or are required to be paid to the pension fund by or on behalf of the member for twenty-four consecutive months or for such shorter period of time as is specified in the pension plan.

Effect of termination

(2) For the purpose of determining benefits under this Act, a person mentioned in subsection (1) who terminates his or her membership in a pension plan shall be deemed to have terminated his or her employment.

Application of subss. (1, 2)

(3) Subsections (1) and (2) do not apply if contributions are not paid or are not required to be paid because the person has become a member of another pension plan and there is a reciprocal transfer agreement respecting the two pension plans.

Determination of entitlement

(4) For the purpose of determining entitlement to a deferred pension, a member of a multi-employer pension plan who terminates employment with a participating employer or an employer on whose behalf contributions are made under the pension plan shall be deemed not to have terminated employment until the member terminates membership in the pension plan.

Certification of new bargaining agent
R.S.O. 1980, c. 228

(5) Where a member of a multi-employer pension plan is represented by a trade union, which, in accordance with section 56 of the *Labour Relations Act*, ceases to represent the member, and the member joins a different pension plan, the member is entitled to terminate membership in the first plan.

Application of subs. (5)

(6) Subsection (5) does not apply where there is a reciprocal agreement respecting the two pension plans.

BENEFITS

Value of deferred pension

40.—(1) If the commuted value of a former member's pension or deferred pension accrued in respect of employment before the 1st day of January, 1987 is less than the value of the contributions the former member was required to make

under the pension plan before that date plus interest credited to the contributions, the former member is entitled to have the commuted value of the pension or deferred pension increased so that the commuted value is equal to the value of the contributions plus interest.

Effect of amendment

(2) An increase in the value of the pension or deferred pension in respect of employment before the 1st day of January, 1987 that results from an amendment to the pension plan made on or after that date may be included in calculating the commuted value of the pension or deferred pension for the purposes of subsection (1).

50 per cent rule

(3) A former member's contributions to a pension plan made on or after the 1st day of January, 1987 and the interest on the contributions shall not be used to provide more than 50 per cent of the commuted value of a pension or deferred pension in respect of contributory benefits accrued after that date to which the member is entitled under the pension plan on termination of membership or employment.

Entitlement to excess amount

(4) A former member who is entitled to a pension or deferred pension on termination of employment or membership is entitled to payment from the pension fund of a lump sum payment equal to the amount by which the former member's contributions under the pension plan made on or after the 1st day of January, 1987 and the interest on the contributions exceed one-half of the commuted value of the former member's pension or deferred pension in respect of the contributory benefit accrued after that date.

Exclusions

(5) The following may be excluded in determining that part of the commuted value of a pension or deferred pension to which subsections (3) and (4) apply:

1. Defined contribution benefits.

2. Benefits that result from additional voluntary contributions.

3. In the case of a multi-employer pension plan that permits a member who has not accrued maximum pension benefits permitted under the plan in a fiscal year of the plan to make contributions to increase the member's pension benefit to the maximum permitted for the fiscal year, benefits resulting from such contributions.

4. Any other benefits prescribed for the purposes of this subsection.

Matters that may be included

(6) The following may be included by the administrator of the pension plan in calculating a member's contributory benefit for the purposes of subsection (3):

1. Ancillary benefits related to employment on or after the 1st day of January, 1987.

2. Increases to pension benefits and ancillary benefits related to employment before the date of the amendment resulting from an amendment to the pension plan made on or after the 1st day of January, 1987 but that are not included in calculating commuted value under subsection (2).

3. Pension benefits and ancillary benefits related to employment before the date of the establishment of the pension plan, in the case of a pension plan established on or after the 1st day of January, 1987.

Ancillary benefits

41.—(1) A pension plan may provide the following ancillary benefits:

1. Disability benefits.

2. Death benefits in excess of those provided in section 49 (pre-retirement death benefit).

3. Bridging benefits.

4. Supplemental benefits, other than bridging benefits, payable for a temporary period of time.

5. Early retirement options and benefits in excess of those provided by section 42 (early retirement option).

6. Postponed retirement options and benefits in excess of those referred to in subsection 36 (4).

7. Any prescribed ancillary benefit.

Use in calculating pension benefit

(2) An ancillary benefit for which a member has met all eligibility requirements under the pension plan necessary to exercise the right to receive payment of the benefit shall be included in calculating the member's pension benefit or the commuted value of the pension benefit.

Consent of employer

(3) For the purposes of subsection (2) and clause 14 (1) (c), where the consent of an employer is an eligibility requirement for entitlement to receive an ancillary benefit and a member

or former member has met all other eligibility requirements, the employer shall be deemed to have given the consent to the member or former member.

Early retirement option

42.—(1) A former member is entitled to elect to receive an early retirement pension under the pension plan if he or she,

(a) terminated employment on or after the date on which this Act comes into force;

(b) is entitled to a deferred pension under this Act; and

(c) is within ten years of attaining the normal retirement date.

Idem

(2) A member who is within ten years of attaining the normal retirement date and who would be entitled to a deferred pension on termination of employment with the employer is entitled upon termination of the employment or on the wind up of the pension plan in whole or in part to receive an early retirement pension under the pension plan.

Commuted value

(3) The commuted value of a member's early retirement pension must be not less than the commuted value of the member's pension benefit under the pension plan.

Idem, former member

(4) The commuted value of a former member's early retirement pension must be not less than the commuted value of the former member's deferred pension benefit under the pension plan.

Payment

(5) The member or former member is entitled to require the commencement of payment of the early retirement pension at any time within the ten year period mentioned in subsection (1) or (2).

Election

(6) An election under subsection (1) or (2) shall be made in writing, signed by the member or former member and delivered to the administrator of the pension plan.

Transfer

43.—(1) A former member of a pension plan who, on or after the date on which this Act comes into force, terminates employment or ceases to be a member of the pension plan and who is entitled to a deferred pension is entitled to require the administrator to pay an amount equal to the commuted value of the deferred pension,

(a) to the pension fund related to another pension plan, if the administrator of the other pension plan agrees to accept the payment;

(b) into a prescribed retirement savings arrangement; or

(c) for the purchase for the former member of a life annuity that will not commence before the earliest date on which the former member would have been entitled to receive payment of pension benefits under the pension plan.

Limitation

(2) The entitlement under subsection (1) is subject to the prescribed limitations in respect of the transfer of funds from pension funds.

Application of subs. (1)

(3) Subsection (1) does not apply to a former member whose employment is terminated and who is entitled to immediate payment of a pension benefit under the pension plan or under section 42, unless the pension plan provides such an entitlement.

Direction

(4) A former member may exercise his or her entitlement under subsection (1) by delivering to the administrator within the prescribed period of time a direction in a form supplied by the Superintendent.

Compliance with direction

(5) Subject to compliance with the requirements of this section and the regulations, the administrator shall comply with the direction within the prescribed period of time after delivery of the direction.

Terms of arrangement or deferred annuity

(6) The administrator shall not make payment,

(a) under clause (1) (b) unless the retirement savings arrangement meets the requirements prescribed by the regulations; or

(b) under clause (1) (c) unless the contract to purchase the deferred life annuity meets the prescribed requirements.

Approval

(7) If a payment under subsection (1) does not meet the limitations prescribed in relation to transfers of funds from pension funds, the administrator shall not make the payment without the approval of the Superintendent.

Terms and conditions

(8) The Superintendent may approve the payment subject to such terms and conditions as the Superintendent considers appropriate in the circumstances.

Order for repayment

(9) If a payment that does not meet the limitations prescribed in relation to transfers of funds from pension funds is made without the approval of the Superintendent or there is failure to comply with a term or condition attached to the approval, the Superintendent by order, subject to section 90 (hearing), may require any person to whom payment under subsection (1) has been made to repay an amount not greater than the amount of the payment together with interest thereon.

Enforcement

(10) Subject to section 90 (hearing and appeal), an order for payment under subsection (9), exclusive of the reasons therefor, may be filed in the Supreme Court and is thereupon enforceable as an order of that court.

Discharge of administrator

(11) The administrator is discharged on making the payment or transfer in accordance with the direction of the former member if the payment or transfer complies with this Act and the regulations.

Purchase of pension

44.—(1) The administrator of a pension plan who is required by the pension plan to provide a pension, a deferred pension or an ancillary benefit may purchase the pension, deferred pension or ancillary benefit from an insurance company.

Limitations

(2) The authority of the administrator under subsection (1) is subject to the entitlement of a member under section 43 and to the limitations prescribed in relation to transfers of funds from pension funds.

Approval by Superintendent

(3) If a purchase under subsection (1) does not meet the limitations prescribed in relation to transfers of funds from pension funds, the administrator shall not make the purchase without the prior approval of the Superintendent.

Idem

(4) The Superintendent may approve a purchase mentioned in subsection (3) subject to such terms and conditions as the Superintendent considers appropriate in the circumstances.

Order for repayment

(5) If a purchase that does not meet the limitations prescribed in relation to transfers of funds from pension funds is made without the approval of the Superintendent or there is a failure to comply with a term or condition attached to the approval, the Superintendent, subject to section 90 (hearing), by order may require any person to whom payment under

subsection (1) has been made to repay an amount not greater than the amount of the payment together with interest thereon.

Enforcement

(6) Subject to section 90 (hearing and appeal), an order for payment under subsection (5), exclusive of the reasons therefor, may be filed in the Supreme Court and is thereupon enforceable as an order of that court.

Joint and survivor pension benefits

45.—(1) Every pension paid under a pension plan to a former member who has a spouse on the date that the payment of the first instalment of the pension is due shall be a joint and survivor pension.

Commuted value

(2) The commuted value of a joint and survivor pension under subsection (1) shall not be less than the commuted value of the pension that would be payable under the pension plan to the former member.

Amount of survivor benefit

(3) The amount of the pension payable to the survivor of the former member and the spouse of the former member shall not be less than 60 per cent of the pension paid to the former member during the joint lives of the former member and his or her spouse.

Application of subss. (1-3)

(4) Subsections (1) to (3) do not apply,

(a) in respect of a pension benefit if payment of the pension has commenced before the date on which this Act comes into force; or

(b) in respect of a former member who is living separate and apart from his or her spouse on the date that payment of the first instalment of the pension is due.

Deferred life annuity

(5) Where,

(a) prior to the date on which this Act comes into force, a deferred life annuity has been purchased from an insurance company for a person entitled to a deferred pension under the *Pension Benefits Act*;

R.S.O. 1980, c. 373

(b) payments have not commenced under the annuity on the date on which this Act comes into force; and

(c) the recipient of the payments has a spouse on the date payments commence,

the annuity shall be paid as a joint and survivor pension in accordance with the requirements of this section and the insurance company shall make payments accordingly.

Application of ss.46, 47

(6) For the purposes of subsection (5), the insurance company shall be deemed to be the administrator under sections 46 and 47.

Information for payment

46.—(1) Before commencing payment of a pension or pension benefit, the administrator of a pension plan shall require the person entitled to the payment to provide to the administrator the information needed to calculate and pay the pension or pension benefit.

Person to provide information

(2) The person entitled to the payment shall provide the information to the administrator.

Discharge of administrator

(3) In the absence of actual notice to the contrary, the administrator is discharged on paying the pension or pension benefit in accordance with the information provided by the person in accordance with subsection (2) or, if the person does not provide the information, in accordance with the latest information in the records of the administrator.

Waiver of joint and survivor pension benefit

47.—(1) The persons entitled to a joint and survivor pension benefit may waive the entitlement to receive payment of pension benefits in the form of a joint and survivor pension by delivering to the administrator of the pension plan or, in the case of a deferred life annuity, to the insurance company a written waiver in the prescribed form or a certified copy of a domestic contract, as defined in Part IV of the *Family Law Act, 1986*, containing the waiver.

1986, c. 4

Time

(2) The waiver is not effective unless the written direction or certified copy is delivered to the administrator within the period of twelve months immediately preceding the commencement of payment of the pension benefit.

Cancellation of waiver

(3) Persons who have delivered a waiver under subsection (1) may jointly cancel the waiver by written and signed notice delivered to the administrator before commencement of payment of the pension benefit.

Remarriage of spouse

48.—(1) The spouse of a deceased former member of a pension plan who is receiving a pension under the pension plan is not disentitled to payment of the pension by reason only of remarriage after the death of the former member.

Application of subs. (1)

(2) Subsection (1) applies in respect of pensions that are being paid on the 1st day of January, 1987 or that commence to be paid after the 31st day of December, 1986.

Pre-retirement death benefit

49.—(1) If a member or former member of a pension plan who is entitled under the pension plan to a deferred pension described in section 38 (entitlement to deferred pension) dies before commencement of payment of the deferred pension, the person who is the spouse of the member or former member on the date of death is entitled,

(a) to receive a lump sum payment equal to the commuted value of the deferred pension; or

(b) to an immediate or deferred pension the commuted value of which is at least equal to the commuted value of the deferred pension.

Idem

(2) If a member of a pension plan continues in employment after the normal retirement date under the pension plan and dies before commencement of payment of pension benefits referred to in section 38, the person who is the spouse of the member or former member on the date of death is entitled,

(a) to receive a lump sum payment equal to the commuted value of the pension benefit; or

(b) to an immediate or deferred pension the commuted value of which is at least equal to the commuted value of the pension benefit.

Application of subss. (1, 2)

(3) Subsections (1) and (2) do not apply where the member or former member and his or her spouse are living separate and apart on the date of the death of the member or former member.

Election

(4) A spouse who has an entitlement under subsection (1) or (2) shall elect within the prescribed period of time to receive payment under clause (a) or (b) of the subsection and if the spouse does not make an election, the spouse shall be deemed to have elected to receive an immediate pension.

Calculation of benefit

(5) For the purposes of this section, the deferred pension or pension benefits to which a member is entitled if the member dies while employed shall be calculated as if the member's employment were terminated immediately before the member's death.

Designated beneficiary

(6) A member or former member of a pension plan may designate a beneficiary and the beneficiary is entitled to be

paid an amount equal to the commuted value of the deferred pension mentioned in subsection (1) or (2) if,

(a) the member or former member does not have a spouse on the date of death; or

(b) the member or former member is living separate and apart from his or her spouse on that date.

Estate entitlement

(7) The personal representative of the member or former member is entitled to receive payment of the commuted value mentioned in subsection (1) or (2) as the property of the member or former member, if the member or former member has not designated a beneficiary under subsection (6) and,

(a) does not have a spouse on the date of the member or former member's death; or

(b) is living separate and apart from his or her spouse on that date.

Dependent children

(8) If the pension plan provides for payment of pension benefits to or for a dependent child or dependent children of the member or former member upon the death of the member or former member, the commuted value of the payments may be deducted from the entitlement of a beneficiary designated under subsection (6) or of a personal representative under subsection (7).

Information

(9) It is the responsibility of the person entitled to the payment to provide to the administrator the information needed to make the payment.

Discharge of administrator

(10) In the absence of actual notice to the contrary, the administrator is discharged on making payment in accordance with the information provided by the person.

Offset

(11) A pension plan may provide for reduction of an amount to which a person is entitled under this section to offset any part of a prescribed additional benefit that is attributable to an amount paid by an employer, subject to the following:

1. The reduction shall be calculated in the prescribed manner.

2. The reduction shall not exceed the prescribed limits.

Discharge of entitlement

(12) Payment in accordance with this section replaces the entitlement of a member or former member in respect of a deferred pension mentioned in section 38.

Order or domestic contract

(13) An entitlement to a benefit under this section is subject to any right to or interest in the benefit set out in a domestic contract or an order referred to in section 52 (payment on marriage breakdown).

Waiver

(14) A member and his or her spouse may waive the spouse's entitlement under subsection (1) or (2) in the prescribed form and, for the purpose, subsections (6) and (7) apply as if the member does not have a spouse on the date of the member's death.

Definition

R.S.O. 1980, c. 143

(15) In this section, "personal representative" has the same meaning as in the *Estates Administration Act*.

Variation of payment to disabled person

50. A pension plan may permit variation in the terms of payment of a pension or deferred pension by reason of the mental or physical disability of a member or former member that is likely to shorten considerably the life expectancy of the member or former member.

Commuted value

51.—(1) A pension plan may provide for payment to a former member of the commuted value of a benefit if the annual benefit payable at the normal retirement date is not more than 2 per cent of the Year's Maximum Pensionable Earnings in the year that the former member terminated employment.

Idem

(2) A pension plan registered before the date on which this Act comes into force may provide that upon termination of employment a person entitled to a deferred pension under section 37 (deferred pension) is entitled to payment of an amount not greater than 25 per cent of the commuted value of the deferred pension.

Payment on marriage breakdown

1986, c. 4

52.—(1) A domestic contract as defined in Part IV of the *Family Law Act, 1986* or an order under Part I of that Act is not effective to require payment of a pension benefit before the earlier of,

(a) the date on which payment of the pension benefit commences; or

(b) the normal retirement date of the relevant member or former member.

Maximum percentage

(2) A domestic contract or an order mentioned in subsection (1) is not effective to cause a party to the domestic contract or order to become entitled to more than 50 per cent of the pension benefits, calculated in the prescribed manner, accrued by a member or former member during the period when the party and the member or former member were spouses.

Discharge of administrator

(3) If payment of a pension or a deferred pension is divided between spouses by a domestic contract or an order mentioned in subsection (1), the administrator is discharged on making payment in accordance with the domestic contract or order.

Revaluation of joint and survivor pension

(4) If a domestic contract or an order mentioned in subsection (1) affects a pension, the administrator of the pension plan shall revalue the pension in the prescribed manner.

Transfer

(5) A spouse on whose behalf a certified copy of a domestic contract or order mentioned in subsection (1) is given to the administrator of a pension plan has the same entitlement, on termination of employment by the member or former member, to any option available in respect of the spouse's interest in the pension benefits as the member or former member named in the domestic contract or order has in respect of his or her pension benefits.

Discrimination on basis of sex

53.—(1) The sex of a member, former member or other beneficiary under a pension plan shall not be taken into account in,

(a) determining the amount of contributions required to be made by a member of the plan;

(b) determining the pension benefits or the commuted value of pension benefits that a member, former member or other beneficiary is or may become entitled to;

(c) the provision of eligibility conditions for membership; and

(d) the provision of ancillary benefits.

Administration

(2) In order to comply with subsection (1), the administrator may,

(a) use annuity factors that do not differentiate as to sex;

(b) provide for employer contributions that vary according to the sex of the employee; or

(c) use any prescribed method of calculation or valuation.

Application

(3) This section applies in respect of contributions, benefits and conditions in relation to,

(a) employment after the 31st day of December, 1986;

(b) employment before the 1st day of January, 1987, in so far as it is dealt with in an amendment made to the pension plan after the 31st day of December, 1986; and

(c) employment before the 1st day of January, 1987, in so far as it is dealt with in a pension plan established after the 31st day of December, 1986.

Inflation protection

54.—(1) Pension benefits, pensions or deferred pensions shall be adjusted in accordance with the established formula or formulas and in the prescribed manner to provide inflation-related increases.

Idem

(2) Any formula or formulas for any inflation related adjustments to pension benefits, pensions or deferred pensions shall be established only by amendment to this Act.

C.P.P./ Q.P.P. offsets
R.S.C. 1970, c. C-5
R.S.Q. 1977, c. R-9
R.S.C. 1970, c. O-6

55.—(1) The reduction of a pension benefit that may be required by a pension plan in relation to payments under the *Canada Pension Plan*, the *Quebec Pension Plan* or the *Old Age Security Act* (Canada) shall not exceed the reduction calculated in accordance with the prescribed formula applied in the prescribed manner.

Idem

(2) The amount of the reduction of a member's pension benefit required under the pension plan in relation to payments mentioned in subsection (1) shall not be increased by reason of an increase in the payments after the date on which the member's employment is terminated.

Reduction re *Old Age Security Act* (Canada)

(3) A pension plan for registration of which application is made on or after the date on which this Act comes into force shall not permit the reduction of a pension benefit based on a person's entitlement under the *Old Age Security Act* (Canada).

Application of subs. (3) R.S.O. 1980, c. 373

(4) Subsection (3) does not apply to a pension plan that is a successor of a pension plan registered under the *Pension Benefits Act* that permitted such a reduction.

Idem R.S.C. 1970, c. O-6

(5) A pension plan shall not permit reduction of a pension benefit based on a person's entitlement under the *Old Age Security Act* (Canada) in respect of a benefit accrued on or after the 1st day of January, 1987.

Bridging benefit R.S.C. 1970, c. C-5 R.S.Q. 1977, c. R-9

(6) Where a pension plan provides for the reduction of a member's or former member's bridging benefit by reason that the member or former member receives or is eligible to receive retirement benefits before attaining sixty-five years of age under the *Canada Pension Plan* or the *Quebec Pension Plan*, the reduction may only be made in the prescribed circumstances.

Variations based on other benefits R.S.C. 1970, c. C-5 R.S.Q. 1977, c. R-9 R.S.C. 1970, c. O-6

(7) Where a pension plan provides for the variation of a pension benefit by reason of benefits payable under the *Canada Pension Plan*, the *Quebec Pension Plan* or the *Old Age Security Act* (Canada), the variation shall be applied in the prescribed manner.

CONTRIBUTIONS

Funding

56.—(1) A pension plan is not eligible for registration unless it provides for funding sufficient to provide the pension benefits, ancillary benefits and other benefits under the pension plan in accordance with this Act and the regulations.

Payment

(2) An employer required to make contributions under a pension plan, or a person required to make contributions under a pension plan on behalf of an employer, shall make the contributions in the prescribed manner and in accordance with the prescribed requirements for funding,

(a) to the pension fund; or

(b) if pension benefits under the pension plan are paid by an insurance company, to the insurance company that is the administrator of the pension plan.

Notice to Superintendent

57.—(1) The administrator of a pension plan or, if there is an agent of the administrator responsible for receiving contributions under the pension plan, the administrator and the agent shall give written notice to the Superintendent of a contribution that is not paid when due.

When notice required

(2) The administrator and the agent shall give the notice to the Superintendent within sixty days after the date on which

the administrator or the agent first became aware of the failure to pay the contribution.

Multi-employer pension plan

(3) The administrator and the agent of a multi-employer pension plan shall give the notice to the Superintendent within the prescribed period of time after the date on which the administrator or the agent first became aware of the failure to pay the contribution.

Trust property

58.—(1) Where an employer receives money from an employee under an arrangement that the employer will pay the money into a pension fund as the employee's contribution under the pension plan, the employer shall be deemed to hold the money in trust for the employee until the employer pays the money into the pension fund.

Money withheld

(2) For the purposes of subsection (1), money withheld by an employer, whether by payroll deduction or otherwise, from moneys payable to an employee shall be deemed to be money received by the employer from the employee.

Accrued contributions

(3) An employer who is required to pay contributions to a pension fund shall be deemed to hold in trust for the beneficiaries of the pension plan an amount of money equal to the employer contributions due and not paid into the pension fund.

Wind up

(4) Where a pension plan is wound up in whole or in part, an employer who is required to pay contributions to the pension fund shall be deemed to hold in trust for the beneficiaries of the pension plan an amount of money equal to employer contributions accrued to the date of the wind up but not yet due under the plan or regulations.

Lien and charge

(5) The administrator of the pension plan has a lien and charge on the assets of the employer in an amount equal to the amounts deemed to be held in trust under subsections (1), (3) and (4).

Application of subss. (1, 3, 4)

(6) Subsections (1), (3) and (4) apply whether or not the moneys have been kept separate and apart from other money or property of the employer.

Moneys to be paid to insurance company

(7) Subsections (1) to (6) apply with necessary modifications in respect of moneys to be paid to an insurance company that guarantees pension benefits under a pension plan.

Accrual

59.—(1) Money that an employer is required to pay into a pension fund accrues on a daily basis.

(2) Interest on contributions shall be calculated and credited at a rate not less than the prescribed rates and in accordance with prescribed requirements. Interest

60. The administrator may commence proceedings in a court of competent jurisdiction to obtain payment of contributions due under the pension plan, this Act and the regulations. Collection of contributions

61. The administrator of a multi-employer pension plan may require a person who receives contributions to the pension fund or who administers or invests the pension fund to be bonded in an amount required by the administrator or in the prescribed amount. Bond

62. An employer who is required to make contributions to a multi-employer pension plan shall transmit to the administrator of the plan a copy of the agreement that requires the employer to make the contributions or a written statement that sets out the contributions the employer is required to make and any other obligations of the employer under the pension plan. Statement of employer's obligation

63. Every person engaged in selecting an investment to be made with the assets of a pension fund shall ensure that the investment is selected in accordance with the criteria set out in this Act and prescribed by the regulations. Investment of pension fund

LOCKING IN

64.—(1) No member or former member is entitled to a refund from a pension fund of contributions made in respect of employment in Ontario or a designated province on or after the qualification date. Refunds

(2) Subsection (1) does not prevent the refund of an additional voluntary contribution and interest thereon to a member or former member or a payment under subsection 40 (4) (entitlement to excess amount). Idem

(3) Notwithstanding subsection (1), a member whose employment is terminated and who is not entitled to a pension or to a deferred pension under section 37 (deferred pension for past service) is entitled to payment within the prescribed period of time of an amount equal to not less than the amount of the member's contributions, and the interest on the contributions, made under the pension plan in respect of the member's employment before the 1st day of January, 1987. Refund related to past employment

Refund related to post-reform employment

(4) Notwithstanding subsection (1), a member whose employment is terminated and who is not entitled to a pension or to a deferred pension under section 38 (deferred pension) is entitled to payment within the prescribed period of time of an amount equal to not less than the amount of the member's contributions, and the interest on the contributions, made under the pension plan in respect of the member's employment after the 31st day of December, 1986.

Application of subs. (1)

(5) Subsection (1) does not apply,

(a) to prevent the commutation of a pension benefit under subsection 51 (1) (commuted value);

(b) to prevent a payment under subsection 51 (2); or

(c) to such other circumstances as are prescribed.

Application of subss. (3, 4)

(6) Subsections (3) and (4) do not apply in respect of a member of a multi-employer pension plan unless the member terminates his or her membership in the multi-employer pension plan.

Refund with consent

(7) Notwithstanding subsection (1), on application by the administrator, contributions may be refunded to a member or a former member with the consent of the Commission.

Consent of Commission

(8) On application by the administrator of a pension plan, the Commission may consent to a refund under subsection (7) if the pension plan provides or has been amended to provide for the refund and the employer has assumed responsibility for funding all pension benefits associated with the contributions.

Shorter qualification periods

65.—(1) A pension plan may provide for shorter qualification periods for entitlement to a deferred pension than those set out in sections 37 (deferred pension for past service) and 38 (deferred pension).

Refund

(2) A pension plan that provides for qualification periods for a deferred pension that are shorter than the periods set out in section 37 or 38 may permit a refund of contributions to a person who terminates employment after becoming entitled to a deferred pension under the pension plan before the completion of the qualification period referred to in section 37 or 38.

Void transactions

66.—(1) Every transaction that purports to assign, charge, anticipate or give as security money payable under a pension plan is void.

Idem

(2) Every transaction that purports to assign, charge, anticipate or give as security money transferred from a pension fund in accordance with section 43 (transfer), 44 (purchase of pension), clause 49 (1) (b) (pre-retirement death benefit) or subsection 74 (2) (transfer rights on wind up) is void.

Exemption for order or separation agreement

1986, c. 4

(3) Subsections (1) and (2) do not apply to prevent the assignment of an interest in moneys payable under a pension plan or moneys payable as a result of a purchase or transfer under section 43, 44, clause 49 (1) (b) or subsection 74 (2) (transfer rights on wind up) by an order under the *Family Law Act, 1986* or by a domestic contract as defined in Part IV of that Act.

Exemption from execution, seizure or attachment

67.—(1) Money payable under a pension plan is exempt from execution, seizure or attachment.

Idem

(2) Money transferred from a pension fund to a prescribed retirement savings arrangement or for the purchase of a life annuity under section 43, 44, 49 or subsection 74 (2) is exempt from execution, seizure or attachment.

Idem

(3) Money payable from a prescribed retirement savings arrangement or from a life annuity purchased in accordance with section 43, 44, 49 or subsection 74 (2) is exempt from execution, seizure or attachment.

Order for support or maintenance

(4) Notwithstanding subsection (1), payments under a pension or that result from a purchase or transfer under section 43, 44, clause 49 (1) (b) or subsection 74 (2) are subject to execution, seizure or attachment in satisfaction of an order for support or maintenance enforceable in Ontario to a maximum of one-half the money payable.

Application of subs. (4)

(5) Subsection (4) applies to orders for support or maintenance enforceable in Ontario whether made before or after the coming into force of this Act.

Commutation or surrender

68.—(1) A pension, deferred pension, pension benefit, annuity or prescribed retirement savings arrangement that results from a purchase or transfer under section 43, 44, 49 or subsection 74 (2) to which a person is entitled is not capable of being commuted or surrendered during the person's life.

Void transaction

(2) A transaction that purports to commute or surrender such a pension, deferred pension, pension benefit, annuity or prescribed retirement savings arrangement is void.

Application of subss. (1, 2)

(3) Subsections (1) and (2) do not apply to a variation of a pension or deferred pension under section 50 (variation of payment to disabled person) or to a commutation of a benefit under section 51 (commuted value).

WINDING UP

Winding up

69.—(1) The employer or, in the case of a multi-employer pension plan, the administrator may wind up the pension plan in whole or in part.

Notice

(2) The administrator shall give written notice of proposal to wind up the pension plan to,

(a) the Superintendent;

(b) each member of the pension plan;

(c) each former member of the pension plan;

(d) each trade union that represents members of the pension plan;

(e) the advisory committee of the pension plan; and

(f) any other person entitled to a payment from the pension fund.

Notice of partial wind up

(3) In the case of a proposal to wind up only part of a pension plan, the administrator is not required to give written notice of the proposal to members, former members or other persons entitled to payment from the pension fund if they will not be affected by the proposed partial wind up.

Information

(4) The notice of proposal to wind up shall contain the information prescribed by the regulations.

Effective date

(5) The effective date of the wind up shall not be earlier than the date member contributions, if any, cease to be deducted, in the case of contributory pension benefits, or, in any other case, on the date notice is given to members.

Order by Superintendent

(6) The Superintendent by order may change the effective date of the wind up if the Superintendent is of the opinion that there are reasonable grounds for the change.

Winding up order by Superintendent

70.—(1) The Superintendent by order may require the wind up of a pension plan in whole or in part if,

(a) there is a cessation or suspension of employer contributions to the pension fund;

(b) the employer fails to make contributions to the pension fund as required by this Act or the regulations;

(c) the employer is bankrupt within the meaning of the *Bankruptcy Act* (Canada); R.S.C. 1970, c. B-3

(d) a significant number of members of the pension plan cease to be employed by the employer as a result of the discontinuance of all or part of the business of the employer or as a result of the reorganization of the business of the employer;

(e) all or a significant portion of the business carried on by the employer at a specific location is discontinued;

(f) all or part of the employer's business or all or part of the assets of the employer's business are sold, assigned or otherwise disposed of and the person who acquires the business or assets does not provide a pension plan for the members of the employer's pension plan who become employees of the person;

(g) the liability of the Guarantee Fund is likely to be substantially increased unless the pension plan is wound up in whole or in part;

(h) in the case of a multi-employer pension plan,

(i) there is a significant reduction in the number of members, or

(ii) there is a cessation of contributions under the pension plan or a significant reduction in such contributions; or

(i) any other prescribed event or prescribed circumstance occurs.

Date and notice

(2) In an order under subsection (1), the Superintendent shall specify the effective date of the wind up, the persons or class or classes of persons to whom the administrator shall give notice of the order and the information that shall be given in the notice.

Wind up report

71.—(1) The administrator of a pension plan that is to be wound up in whole or in part shall file a wind up report that sets out,

(a) the assets and liabilities of the pension plan;

(b) the benefits to be provided under the pension plan to members, former members and other persons;

(c) the methods of allocating and distributing the assets of the pension plan and determining the priorities for payment of benefits; and

(d) such other information as is prescribed.

Payments out of pension fund after notice of proposal to wind up

(2) No payment shall be made out of the pension fund in respect of which notice of proposal to wind up has been given until the Superintendent has approved the wind up report.

Application of subs. (2)

(3) Subsection (2) does not apply to prevent continuation of payment of a pension or any other benefit the payment of which commenced before the giving of the notice of proposal to wind up the pension plan or to prevent any other payment that is prescribed or that is approved by the Superintendent.

Approval

(4) An administrator shall not make payment out of the pension fund except in accordance with the wind up report approved by the Superintendent.

Refusal to approve

(5) The Superintendent may refuse to approve a wind up report that does not meet the requirements of this Act and the regulations or that does not protect the interests of the members and former members of the pension plan.

Rights and benefits on partial wind up

(6) On the partial wind up of a pension plan, members, former members and other persons entitled to benefits under the pension plan shall have rights and benefits that are not less than the rights and benefits they would have on a full wind up of the pension plan on the effective date of the partial wind up.

Appointment of administrator to wind up

72.—(1) If a pension plan that is to be wound up in whole or in part does not have an administrator or the administrator fails to act, the Superintendent may act as or may appoint an administrator.

Costs of administration on winding up

(2) The reasonable administration costs of the Superintendent or of the administrator appointed by the Superintendent may be paid out of the pension fund.

Notice of entitlements

73.—(1) On the wind up of a pension plan in whole or in part, the administrator shall give to each person entitled to a pension, deferred pension or other benefit or to a refund in respect of the pension plan a statement setting out the person's entitlement under the pension plan, the options available to the person and any other prescribed information.

Election

(2) If a person to whom notice is given under subsection (1) is required to make an election, the person shall make the election within the prescribed period of time or shall be deemed to have elected to receive immediate payment of a pension benefit, if eligible therefor, or, if not eligible to receive immediate payment of a pension benefit, to receive a pension commencing at the earliest date mentioned in clause 75 (1) (b), and the administrator of the pension plan shall make payment in accordance with the election or deemed election.

Determination of entitlements

74.—(1) For the purpose of determining the amounts of pension benefits and any other benefits and entitlements on the winding up of a pension plan, in whole or in part,

(a) the employment of each member of the pension plan affected by the winding up shall be deemed to have been terminated on the effective date of the wind up;

(b) each member's pension benefits as of the effective date of the wind up shall be determined as if the member had satisfied all eligibility conditions for a deferred pension; and

(c) provision shall be made for the rights under section 75.

Transfer rights on wind up

(2) A person entitled to a pension benefit on the wind up of a pension plan, other than a person who is receiving a pension, is entitled to the rights under subsection 43 (1) (transfer) of a member who terminates employment and, for the purpose, subsection 43 (3) does not apply.

Combination of age and years of employment

75.—(1) A member in Ontario of a pension plan whose combination of age plus years of continuous employment or membership in the pension plan equals at least fifty-five, at the effective date of the wind up of the pension plan in whole or in part, has the right to receive,

(a) a pension in accordance with the terms of the pension plan, if, under the pension plan, the member is eligible for immediate payment of the pension benefit;

(b) a pension in accordance with the terms of the pension plan, beginning at the earlier of,

(i) the normal retirement date under the pension plan, or

(ii) the date on which the member would be entitled to an unreduced pension under the pension plan if the pension plan were not wound up and if the member's membership continued to that date; or

(c) a reduced pension in the amount payable under the terms of the pension plan beginning on the date on which the member would be entitled to the reduced pension under the pension plan if the pension plan were not wound up and if the member's membership continued to that date.

Part year

(2) In determining the combination of age plus employment or membership, one-twelfth credit shall be given for each month of age and for each month of continuous employment or membership at the effective date of the wind up.

Member for ten years

(3) Bridging benefits offered under the pension plan to which a member would be entitled if the pension plan were not wound up and if the membership of the member were continued shall be included in calculating the pension benefit under subsection (1) of a person who has at least ten years of continuous employment with the employer or has been a member of the pension plan for at least ten years.

Prorated bridging benefit

(4) For the purposes of subsection (3), if the bridging benefit offered under the pension plan is not related to periods of employment or membership in the pension plan, the bridging benefit shall be prorated by the ratio that the member's actual period of employment bears to the period of employment that the member would have to the earliest date on which the member would be entitled to payment of pension benefits and a full bridging benefit under the pension plan if the pension plan were not wound up.

Notice of termination of employment

(5) Membership in a pension plan that is wound up in whole or in part includes the period of notice of termination

of employment required under Part XII of the *Employment Standards Act*. R.S.O. 1980, c. 137

(6) Subsection (5) does not apply for the purpose of calculating the amount of a pension benefit of a member who is required to make contributions to the pension fund unless the member makes the contributions in respect of the period of notice of termination of employment. Application of subs. (5)

(7) For the purposes of this section, where the consent of an employer is an eligibility requirement for entitlement to receive an ancillary benefit, the employer shall be deemed to have given the consent. Consent of employer

(8) This section and sections 74 (determination of entitlements), 85, 86 and 87 (guaranteed benefits) apply in respect of the wind up, in whole or in part, of a pension plan where the effective date of the wind up is on or after the 1st day of April, 1987. Application of section

(9) A person affected by a wind up who elects to receive a benefit under subsection (1) is not entitled to payment of any refund of contributions or interest under subsection 64 (3) or (4) (refunds). Refund

76.—(1) Where a pension plan is wound up in whole or in part, the employer shall pay into the pension fund, Liability of employer on wind up

(a) an amount equal to the total of all payments that, under this Act, the regulations and the pension plan, are due or that have accrued and that have not been paid into the pension fund; and

(b) an amount equal to the amount by which,

(i) the value of the pension benefits under the pension plan that would be guaranteed by the Guarantee Fund under this Act and the regulations if the Commission declares that the Guarantee Fund applies to the pension plan,

(ii) the value of the pension benefits accrued with respect to employment in Ontario vested under the pension plan, and

(iii) the value of benefits accrued with respect to employment in Ontario resulting from the application of subsection 40 (3) (50 per cent rule) and section 75,

exceed the value of the assets of the pension fund allocated as prescribed for payment of pension benefits accrued with respect to employment in Ontario.

Payment

(2) The employer shall pay the moneys due under subsection (1) in the prescribed manner and at the prescribed times.

Pension fund continues subject to Act and regulations

77. The pension fund of a pension plan that is wound up continues to be subject to this Act and the regulations until all the assets of the pension fund have been disbursed.

Insufficient pension fund

78. Subject to the application of the Guarantee Fund, where the moneys in a pension fund are not sufficient to pay all the pension benefits and other benefits on the wind up of the pension plan in whole or in part, the pension benefits and other benefits shall be reduced in the prescribed manner.

SURPLUS

Payment out of pension fund to employer

79.—(1) No money may be paid out of a pension fund to the employer without the prior consent of the Commission.

Application for payment

(2) An employer who applies to the Commission for consent to payment of money that is surplus to the employer out of a pension fund shall transmit notice of the application, containing the prescribed information, to,

(a) each member and each former member of the pension plan to which the pension fund relates;

(b) each trade union that represents members of the pension plan;

(c) any other individual who is receiving payments out of the pension fund; and

(d) the advisory committee established in respect of the pension fund.

Representations

(3) A person to whom notice has been transmitted under subsection (2) may make written representations to the Commission with respect to the application within thirty days after receiving the notice.

Return of excess amount

(4) The Commission may consent to payment out of a pension fund to an employer of an amount not in excess of the amount of an overpayment by the employer into the pension fund or of an amount paid by the employer that should have been paid out of the pension fund, but shall not consent

unless the application is made in the same fiscal year of the pension fund as the fiscal year in which the overpayment or the payment occurred.

Continuing pension plan

80.—(1) The Commission shall not consent to payment of money that is surplus to the employer out of a continuing pension plan unless,

(a) the Commission is satisfied, based on reports provided with the application, that the pension plan has a surplus;

(b) the pension plan provides for the withdrawal of surplus by the employer while the pension plan continues in existence, or the applicant satisfies the Commission that the applicant is otherwise entitled to withdraw the surplus;

(c) where all pension benefits under the pension plan are guaranteed by an insurance company, an amount equal to at least two years of the employer's current service costs is retained in the pension fund as surplus;

(d) where the members are not required to make contributions under the pension plan, the greater of,

(i) an amount equal to two years of the employer's current service costs, or

(ii) an amount equal to 25 per cent of the liabilities of the pension plan calculated as prescribed,

is retained in the pension fund as surplus;

(e) where members are required to make contributions under the pension plan, all surplus attributable to contributions paid by members and the greater of,

(i) an amount equal to two years of the employer's current service costs, or

(ii) an amount equal to 25 per cent of the liabilities of the pension plan calculated as prescribed,

are retained in the pension fund as surplus; and

(f) the applicant and the pension plan comply with all other requirements prescribed under other sections of this Act in respect of the payment of surplus moneys out of a pension fund.

Where no provision in pension plan

(2) A pension plan that does not provide for the withdrawal of surplus moneys while the pension plan continues in existence shall be construed to prohibit the withdrawal of surplus moneys accrued after the 31st day of December, 1986.

Application of subs. (2)

(3) Subsection (2) comes into force on the 1st day of January, 1989.

Wind up

(4) The Commission shall not consent to an application in respect of a pension plan that is being wound up in whole or in part unless,

(a) the Commission is satisfied, based on reports provided with the application, that the pension plan has a surplus;

(b) the pension plan provides for payment of surplus to the employer on the wind up of the pension plan;

(c) provision has been made for the payment of all liabilities of the pension plan as calculated for purposes of termination of the pension plan; and

(d) the applicant and the pension plan comply with all other requirements prescribed under other sections of this Act in respect of the payment of surplus moneys out of a pension fund.

Idem

(5) A pension plan that does not provide for payment of surplus moneys on the wind up of the pension plan shall be construed to require that surplus moneys accrued after the 31st day of December, 1986 shall be distributed proportionately on the wind up of the pension plan among members, former members and any other persons entitled to payments under the pension plan on the date of the wind up.

Application of subs. (5)

(6) Subsection (5) comes into force on the 1st day of January, 1989.

Decision

(7) The Commission shall transmit its decision, together with written reasons therefor, to the applicant and to each person who made written representations to the Commission in accordance with subsection 79 (3).

(8) The Commission may attach such conditions and limitations to its consent under this section as the Commission considers necessary in the circumstances. Conditions and limitations

(9) The *Statutory Powers Procedure Act* does not apply in respect of a decision made by the Commission under this section. Application of R.S.O. 1980, c. 484

(10) The Commission shall not consent to payment of money from surplus to the employer out of a continuing pension plan until such date as may be prescribed. Interim prohibition to giving consent

SALES, TRANSFERS AND NEW PLANS

81.—(1) Where an employer who contributes to a pension plan sells, assigns or otherwise disposes of all or part of the employer's business or all or part of the assets of the employer's business, a member of the pension plan who, in conjunction with the sale, assignment or disposition becomes an employee of the successor employer and becomes a member of a pension plan provided by the successor employer, Continuation of benefits under successor employer

(a) continues to be entitled to the benefits provided under the employer's pension plan in respect of employment in Ontario or a designated province to the effective date of the sale, assignment or disposition without further accrual;

(b) is entitled to credit in the pension plan of the successor employer for the period of membership in the employer's pension plan, for the purpose of determining eligibility for membership in or entitlement to benefits under the pension plan of the successor employer; and

(c) is entitled to credit in the employer's pension plan for the period of employment with the successor employer for the purpose of determining entitlement to benefits under the employer's pension plan.

(2) Clause (1) (a) does not apply if the successor employer assumes responsibility for the accrued pension benefits of the employer's pension plan and the pension plan of the successor employer shall be deemed to be a continuation of the employer's plan with respect to any benefits or assets transferred. Exception

(3) Where a transaction described in subsection (1) takes place, the employment of the employee shall be deemed, for the purposes of this Act, not to be terminated by reason of the transaction. Employment deemed not terminated

Transfer on sale

(4) Where a transaction described in subsection (1) occurs and the successor employer assumes responsibility in whole or in part for the pension benefits provided under the employer's pension plan, no transfer of assets shall be made from the employer's pension fund to the pension fund of the plan provided by the successor employer without the prior consent of the Superintendent or contrary to the prescribed terms and conditions.

Consent by Superintendent

(5) The Superintendent shall refuse to consent to a transfer of assets that does not protect the pension benefits and any other benefits of the members and former members of the employer's pension plan or that does not meet the prescribed requirements and qualifications.

Order for return

(6) The Superintendent by order may require the transferee to return to the pension fund, with interest, assets transferred without the prior consent required by subsection (4).

Enforcement

(7) Subject to section 90 (hearing and appeal), an order for return of assets under subsection (6), exclusive of the reasons therefor, may be filed in the Supreme Court and is thereupon enforceable as an order of that court.

Multi-employer pension plan
R.S.O. 1980, c. 288

(8) Where a group of members of a multi-employer pension plan are represented by a trade union and in accordance with section 56 of the *Labour Relations Act* the trade union ceases to represent the members and they become represented by a different trade union certified as their bargaining agent and become members of a different pension plan, the administrator of the first pension plan shall transfer to the administrator of the new pension plan all the assets and liabilities respecting those members who have elected under section 43 to transfer their entitlement to the new pension plan and the administrator of the new pension plan shall accept the transfer as assets and liabilities of the new plan.

Idem

(9) Where a group of members of a multi-employer pension plan are represented by a trade union and in accordance with section 56 of the *Labour Relations Act* the trade union ceases to represent the members and they become represented by a different trade union certified as their bargaining agent and become members of a different pension plan and the members are not entitled to make an election under section 43, the administrator of the old pension plan shall transfer to the administrator of the new pension plan all assets and liabilities of the pension plan attributable to such members determined as prescribed and the administrator of the new pension plan shall accept them as assets and liabilities, determined as prescribed, of the new plan.

Application of subs. (8), (9)

(10) Subsections (8) and (9) do not apply where there is a reciprocal agreement respecting the pension plans.

Definition

(11) In this section, "successor employer" means the person who acquires the business or the assets of the employer.

Adoption of new pension plan

82.—(1) Where a pension plan is established by an employer to be a successor to an existing pension plan and the employer ceases to make contributions to the original pension plan, the original pension plan shall be deemed not to be wound up and the new pension plan shall be deemed to be a continuation of the original pension plan.

Continuation of benefits

(2) The benefits under the original pension plan in respect of employment before the establishment of the new pension plan shall be deemed to be benefits under the new pension plan.

Application of subs. (2)

(3) Subsection (2) applies whether or not the assets and liabilities of the original pension plan are consolidated with those of the new pension plan.

Transfer of assets

(4) No transfer of assets shall be made from the pension fund of the original pension plan to the pension fund of the new pension plan without the prior consent of the Superintendent or contrary to the prescribed terms and conditions.

Consent by Superintendent

(5) The Superintendent shall refuse to consent to a transfer of assets that does not protect the pension benefits and any other benefits of the members and former members of the original pension plan or that does not meet the prescribed requirements and qualifications.

Order

(6) The Superintendent by order may require the transferee to return to the pension fund assets, with interest calculated in the prescribed manner, transferred without the prior consent of the Superintendent or transferred contrary to a prescribed term or condition.

Enforcement

(7) Subject to section 90 (hearing and appeal), an order for return of assets under subsection (6), exclusive of the reasons therefor, may be filed in the Supreme Court and is thereupon enforceable as an order of that court.

Fund to fund

(8) No transfer of assets shall be made from one pension fund to another pension fund in circumstances where subsections (1) to (7) do not apply or where section 43 or 81 does not apply, without the prior consent of the Superintendent or contrary to the prescribed terms and conditions and for the

purpose, subsections (5) to (7) apply with necessary modifications.

PENSION BENEFITS GUARANTEE FUND

Guarantee Fund continued

83.—(1) The Pension Benefits Guarantee Fund is continued.

Administration

(2) The Commission is responsible for the administration of the Guarantee Fund including the investment of the assets of the Guarantee Fund.

Expenses

(3) The Commission may charge to the Guarantee Fund the reasonable expenses incurred by the Commission in the administration of the Guarantee Fund.

Loans to Guarantee Fund

(4) If at any time the amount standing to the credit of the Guarantee Fund is insufficient for the purpose of paying claims, the Lieutenant Governor in Council may authorize the Treasurer of Ontario to make loans out of the Consolidated Revenue Fund to the Guarantee Fund on such terms and conditions as the Lieutenant Governor in Council directs.

Guarantee Fund declaration

84.—(1) The Commission, subject to section 91 (notice and representations), shall declare, in the circumstances mentioned in subsection (2), that the Guarantee Fund applies to a pension plan.

Conditions precedent

(2) The Commission shall make the declaration if,

(a) the pension plan is registered under this Act or is registered in a designated province to provide for the reciprocal application of this Act;

(b) the pension plan provides defined benefits that are not exempt from the application of the Guarantee Fund by this Act or the regulations;

(c) the pension plan is wound up in whole or in part; and

(d) the Commission is of the opinion, upon reasonable and probable grounds, that the funding requirements of this Act and the regulations cannot be satisfied.

Guaranteed benefits

85.—(1) Where the Guarantee Fund is declared by the Commission to apply to a pension plan, the following are guaranteed by the Guarantee Fund, subject to the limitations and qualifications as are set out in this Act or are prescribed:

1. Any pension in respect of employment in Ontario.

2. Any deferred pension in respect of employment in Ontario to which a former member is entitled, if the former member's employment or membership was terminated before the date on which this Act comes into force and the former member was at least forty-five years of age and had at least ten years of continuous employment with the employer, or was a member of the pension plan for a continuous period of at least ten years, at the date of termination of employment.

3. A percentage of any defined pension benefits in respect of employment in Ontario to which a member or former member is entitled under section 37 or 38 (deferred pension), or both, if the member's or former member's employment or membership was terminated on or after the date on which this Act comes into force, equal to 20 per cent if the combination of the member's or former member's age plus years of employment or membership in the pension plan equals fifty, plus an additional ⅔ of 1 per cent for each additional one-twelfth credit of age and employment or membership to a maximum of 100 per cent.

4. All additional voluntary contributions, and the interest thereon, made by members or former members while employed in Ontario.

5. The minimum value of all required contributions made to the pension plan by a member or former member in respect of employment in Ontario plus interest.

6. That part of a deferred pension guaranteed under this subsection to which a former spouse of a member or of a former member is entitled under a domestic contract or an order under the *Family Law Act, 1986*. 1986, c. 4

7. Any pension to which a survivor of a former member is entitled under subsection 49 (1) (death before commencement of payment).

Bridging benefits

(2) For the purpose of this section, where a member or former member has at least ten years of continuous employment with the employer, a deferred pension or a pension benefit includes bridging benefits.

Part year

(3) In determining the combination of age and membership or employment for subsection (1), one-twelfth credit shall be given for each full month of age and for each full month of continuous employment or membership as of the date of termination of employment.

Definition

(4) For the purpose of this section, "pension benefits" includes any benefits or options elected under section 75 (combination of age and years of employment).

Payments not guaranteed

86. The following are not guaranteed by the Guarantee Fund:

1. The payment of a pension or pension benefit under a pension plan that has been established or maintained for less than three years at the date of wind up.

2. Any increase to a pension or pension benefit or the value of a pension or pension benefit that became effective within three years before the date of wind up.

3. The amount of any pension or pension benefit, including any bridging supplement, in excess of $1,000 per month or such greater amount as is prescribed by the regulations.

4. Pension benefits provided under a multi-employer pension plan.

5. Pension benefits provided under a pension plan that provides defined benefits, if the obligation of the employer to contribute to the pension fund is limited to a fixed amount set out in a collective agreement.

6. Pension benefits provided by prescribed pension plans or prescribed classes of pension plans.

Lien for payment out of Guarantee Fund

87.—(1) Where money is paid out of the Guarantee Fund as a result of the wind up, in whole or in part, of a pension plan, the Commission has a lien and charge on the assets of the employer or employers who provided the pension plan.

Amount of lien

(2) The lien and charge is in an amount equal to the amount of the payment out of the Guarantee Fund plus interest thereon calculated at the rate and in the manner prescribed by the regulations.

Real property

(3) The lien and charge does not affect assets that are real property until a notice of the lien and charge that includes a description of the real property is registered in the proper land registry office, and the Commission may so register notice of the lien and charge.

Subrogation

(4) The Commission is subrogated to the rights of the administrator of a pension plan in respect of which the Commission authorizes payment from the Guarantee Fund in satisfaction of a pension, deferred pension, pension benefit or contribution guaranteed under section 85 (guaranteed benefits).

ORDERS

Order by Superintendent

88.—(1) The Superintendent, in the circumstances mentioned in subsection (2) and subject to section 90 (hearing and appeal), by a written order may require an administrator or any other person to take or to refrain from taking any action in respect of a pension plan or a pension fund.

Condition precedent to order

(2) The Superintendent may make an order under this section if the Superintendent is of the opinion, upon reasonable and probable grounds,

(a) that the pension plan or pension fund is not being administered in accordance with this Act, the regulations or the pension plan;

(b) that the pension plan does not comply with this Act and the regulations; or

(c) that the administrator of the pension plan, the employer or the other person is contravening a requirement of this Act or the regulations.

Time

(3) In an order under this section, the Superintendent may specify the time or times when or the period or periods of time within which the person to whom the order is directed must comply with the order.

Reasons for order

(4) An order under this section is not effective unless the reasons for the order are set out in the order.

Order by Commission

89.—(1) The Commission, in the circumstances mentioned in subsection (2) and subject to section 91 (notice and representations), by order may require an administrator to take the action specified in subsection (3).

Grounds for order

(2) The Commission may make an order under this section where the Commission is of the opinion,

(a) that the assumptions or methods used in the preparation of a report required under this Act or the regulations in respect of a pension plan are inappropriate for a pension plan;

(b) that the assumptions or methods used in the preparation of a report required under this Act or the regulations in respect of a pension plan do not accord with generally accepted actuarial principles; or

(c) that a report submitted in respect of a pension plan does not meet the requirements and qualifications of this Act, the regulations or the pension plan.

Contents of order

(3) An order under this section may include, but is not limited to, requiring the preparation of a new report and specifying the assumptions or methods or both that shall be used in the preparation of the new report.

HEARING AND APPEAL

Notice of proposal to refuse or revoke

90.—(1) Where the Superintendent proposes to refuse to register a pension plan or an amendment to a pension plan or to revoke a registration, the Superintendent shall serve notice of the proposal, together with written reasons therefor, on the applicant or administrator of the plan.

Notice of proposal to make order

(2) Where the Superintendent proposes to make an order under,

(a) subsection 43 (9) (repayment of money transferred out of pension fund);

(b) subsection 44 (5) (repayment of money paid to purchase pension, deferred pension or ancillary benefit);

(c) subsection 81 (6) (transfer of assets to pension fund of successor employer);

(d) subsection 82 (6) (transfer of assets to new pension fund); or

(e) section 88 (administration of pension plan or contravention of Act or regulation),

the Superintendent shall serve notice of the proposal, together with written reasons therefor, on the administrator and on any

other person to whom the Superintendent proposes to direct the order.

Notice of proposal re membership

(3) Where the Superintendent proposes to make or to refuse to make an order requiring an administrator to accept an employee as a member of a class of employees for whom a pension plan is established or maintained, the Superintendent shall serve notice of the proposal, together with written reasons therefor, on the administrator, and the Superintendent shall serve or require the administrator to serve a copy of the notice and the written reasons on the employee.

Notice of proposal to attach terms and conditions to approval or consent

(4) Where the Superintendent proposes to refuse to give an approval or consent or proposes to attach terms and conditions to an approval or consent under this Act or the regulations, the Superintendent shall serve notice of the proposal, together with written reasons therefor, on the applicant for the approval or consent.

Notice of proposed wind up order

(5) Where the Superintendent proposes to make an order requiring the wind up of a pension plan or declaring a pension plan wound up, the Superintendent shall serve notice of the proposal, together with written reasons therefor, on the administrator and the employer, and the Superintendent may require the administrator to transmit a copy of the notice and the written reasons on such other persons or classes of persons or both as the Superintendent specifies in the notice to the administrator.

Notice requiring hearing

(6) A notice under subsection (1), (2), (3), (4) or (5) shall state that the person on whom the notice is served is entitled to a hearing by the Commission if the person delivers to the Commission, within thirty days after service of the notice under that subsection, notice in writing requiring a hearing, and the person may so require such a hearing.

Power of Superintendent

(7) Where the person on whom the notice is served does not require a hearing in accordance with subsection (6), the Superintendent may carry out the proposal stated in the notice.

Hearing

(8) Where the person requires a hearing by the Commission in accordance with subsection (6), the Commission shall appoint a time for and hold the hearing.

Power of Commission

(9) At or after the hearing, the Commission by order may direct the Superintendent to carry out or to refrain from carrying out the proposal and to take such action as the Commission considers the Superintendent ought to take in accordance with this Act and the regulations, and for such purposes, the

Commission may substitute its opinion for that of the Superintendent.

Conditions

(10) The Commission may attach such terms and conditions to its order or to the registration as the Commission considers proper to give effect to the purposes of this Act.

Parties

(11) The Superintendent, the person who requires a hearing and such other persons as the Commission specifies are parties to the proceeding before the Commission under this section.

Opportunity to show compliance

(12) A party to a hearing shall be given a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the registration of the pension plan.

Examination of documentary evidence

(13) A party to a hearing under this section shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Release of documentary evidence

(14) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to the person within a reasonable time after the matter in issue has been finally determined.

Notice of proposal by Commission

91.—(1) Where the Commission proposes to consider,

(a) making a declaration that the Guarantee Fund applies to a pension plan;

(b) making an order requiring the administrator of a pension plan to take specific action in relation to a report in respect of the pension plan; or

(c) refusing to consent to a refund of contributions under section 64 (refunds),

the Commission shall serve notice of the proposal together with written reasons therefor on the administrator of the pension plan.

Additional notices

(2) The administrator shall transmit copies of the Commission's notice to such other persons or classes of persons or both as the Commission specifies in the notice to the administrator.

Representations

(3) A notice by the Commission under subsection (1) shall state that the administrator, the persons and the representatives and members of classes of persons specified in the notice are entitled to make written representations to the Commission within thirty days after service of the notice under that subsection.

Examination of documentary evidence

(4) An individual who is entitled to make representations to the Commission under subsection (3) shall be afforded an opportunity, during the period of time when representations may be made, to examine any written or documentary evidence that will be produced or any report the contents of which will be considered by the Commission when the Commission considers its proposal.

Notice of decision

(5) The Commission shall transmit a copy of its decision, together with written reasons therefor, to the administrator, the employer and every other person who made representations to the Commission in accordance with subsection (3).

Application of R.S.O. 1980, c. 484

(6) The *Statutory Powers Procedure Act* does not apply in respect of a declaration, refusal or order mentioned in subsection (1) by the Commission.

Appeal to court

92.—(1) A party to a proceeding before the Commission under section 80, 90 or 91 may appeal to the Divisional Court from the decision or order of the Commission.

Certified copy of record

(2) Upon the request of a party desiring to appeal to the Divisional Court and upon payment of the prescribed fee, the Commission shall furnish the party with a certified copy of the record of the proceeding, including the documents received in evidence and the decision or order appealed from.

Quorum and votes

93.—(1) Three members of the Commission constitute a quorum for the purposes of a proceeding before the Commission under section 90, and decisions in such proceedings require the vote of a majority of the members of the Commission present at the hearing in the proceeding.

Panels

(2) The Commission may sit in two or more panels simultaneously for the purposes of such proceedings.

Assignment

(3) The head of the Commission shall assign the members of the Commission to its panels and may change an assignment at any time.

Expiry of member's term of office

(4) Where a proceeding is commenced before the Commission and the term of office on the Commission of a person sitting for the hearing expires or is terminated, other than for

cause, before the proceeding has been disposed of but after evidence has been heard, the person shall be deemed to remain a member of the Commission for the purpose of completing the proceeding in the same manner as if his or her term of office had not expired or been terminated.

PENSION COMMISSION

Commission continued

94.—(1) The Pension Commission of Ontario is continued.

Composition

(2) The Commission shall be composed of not fewer than five and not more than nine members appointed by the Lieutenant Governor in Council.

Head and deputy head

(3) The Lieutenant Governor in Council shall appoint the head and the deputy head of the Commission from among the members of the Commission.

Term of office

(4) The members of the Commission shall be appointed for terms of not more than three years and may be reappointed for further terms of not more than three years.

Authority of deputy head

(5) If the head of the Commission is absent or if there is a vacancy in the office of head of the Commission, the deputy head shall act as and have all the powers of the head of the Commission.

Acting head

(6) If both the head of the Commission and the deputy head are absent or if there are vacancies in the offices of head of the Commission and deputy head, the member of the Commission designated by the members of the Commission shall act as and have the powers of the head of the Commission.

Vacancies

(7) The Lieutenant Governor in Council may fill any vacancy in the membership of the Commission or in the offices of head or deputy head of the Commission.

Quorum

(8) A majority of the members of the Commission, including the head or deputy head of the Commission, constitutes a quorum.

Employees
R.S.O. 1980, c. 418

(9) Such employees as are necessary to carry out the business of the Commission shall be appointed under the *Public Service Act*.

Salary and expenses

(10) The members of the Commission shall be paid such remuneration and expenses as are fixed by the Lieutenant Governor in Council.

Superintendent

95.—(1) The office of Superintendent of Pensions is continued.

Appointment

(2) The Superintendent shall be appointed by the Commission.

Chief administrative officer

(3) The Superintendent is the chief administrative officer of the Commission.

Powers and duties

(4) The Superintendent shall exercise the powers and perform the duties that are vested in or imposed upon the Superintendent by this Act, the regulations and the Commission.

Delegation of powers and duties

(5) The Superintendent may delegate in writing any power or duty of the Superintendent under this Act to any employee of the Commission, subject to the approval of the Commission and subject to any limitation or condition set out in the delegation.

Reciprocal agreements

96.—(1) The Commission may, subject to the approval of the Lieutenant Governor in Council,

(a) enter into agreements with the authorized representatives of another province or the Government of Canada to provide for the reciprocal application and enforcement of pension benefits legislation, the reciprocal registration, audit and inspection of pension plans and for the establishment of a Canadian association of pension supervisory authorities;

(b) authorize a Canadian association of pension supervisory authorities to carry out such duties on behalf of the Commission as the Commission may require; and

(c) delegate to a pension supervisory authority or the government of a designated province such functions and powers under this Act as the Commission may determine and the Commission may accept similar delegations of functions and powers from a pension supervisory authority or the government of a designated province.

Applicable law

(2) Where a pension plan required to be registered in Ontario is registered in a designated jurisdiction, the Commission by order may limit the application of this Act and the regulations to the pension plan and authorize the application of the law of the designated jurisdiction in respect of the pension plan.

Duty of Commission

97. It is the duty of the Commission,

(a) to administer this Act and the regulations;

(b) to promote the establishment, extension and improvement of pension plans throughout Ontario;

(c) to advise the Minister in respect of the business of the Commission; and

(d) to make recommendations to the Minister in respect of pension plans.

Research

98.—(1) It is a function of the Commission to conduct surveys and research programs and to compile statistical information related to pensions and pension plans.

Provision of information

(2) The Commission may request an employer or an administrator or a member of a pension plan to provide information necessary to compile the statistical information and such persons shall comply with the request within a reasonable period of time.

Confidentiality

(3) The Commission shall use the information only for the purpose of compiling the statistical information.

Information

99.—(1) The Superintendent may require an employer, an administrator or any other person to supply to the Commission or the Superintendent such information in such form as is acceptable to the Superintendent and within such time limits as specified for the purpose of ascertaining whether or not this Act and the regulations are being complied with.

Idem

(2) A person to whom a request is made under subsection (1) shall comply with the request within the time specified by the Superintendent or other person designated by the Superintendent.

Appraisal

(3) The Superintendent may require the administrator to secure an appraisal of any or all of the assets of the pension fund by one or more independent valuators or the Superintendent may obtain the appraisal at the expense of the administrator.

Time

(4) The administrator shall deliver the appraisal to the Superintendent within the period of time specified by the Superintendent in the requirement or within such other period of time as the Superintendent may specify.

Security

100. Every person entrusted by the Commission with the custody or control of money in the course of employment shall give security in the manner and form provided by the *Public Officers Act*.

R.S.O. 1980, c. 415

Liability of members and employees of Commission

101. No member of the Commission or of the staff of the Commission is personally liable for anything done in good faith in the execution or intended execution of a duty or authority under this Act or the regulations or for alleged neglect or default in the execution in good faith of such a duty or authority.

Audit

102. The Provincial Auditor shall examine annually the accounts and financial transactions of the Commission.

Annual report

103.—(1) The Commission shall report annually to the Minister on the business of the Commission.

Idem

(2) The Minister shall submit the annual report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

GENERAL

Pension agency

104. The Lieutenant Governor in Council may establish or designate an agency for the purposes, among others, of receiving, holding and disbursing pension benefits under this Act.

Transitional

105. Every pension plan that was registered and that continued to be qualified for registration under the *Pension Benefits Act*, being chapter 373 of the Revised Statutes of Ontario, 1980, immediately before the coming into force of this Act, shall be deemed to be registered upon the coming into force of this Act.

Extension of time

106. The Commission or the Superintendent may extend any time limit under this Act or the regulations before or after the expiration of the time if satisfied that there are reasonable grounds for applying for the extension, and may give such directions as the Commission or the Superintendent considers proper consequent upon the extension.

Interpretation, persons

107.—(1) The persons referred to in subsections (3) to (5) and (8) to (10) are the following:

1. The Superintendent.

2. Any person designated by the Superintendent or the Commission.

Interpretation, purposes

(2) The purposes mentioned in subsections (3) to (5) and (10) are the following:

1. The administration of this Act and the regulations.

2. The administration of the Guarantee Fund.

3. The enforcement of any section of this Act or the regulations.

4. The exercise of a power or the carrying out of a duty under this Act or the regulations.

5. The carrying out of an order made under this Act.

Entry

(3) For a purpose mentioned in subsection (2), a person mentioned in subsection (1) may enter and have access to, through and over any business premises, where the person has reasonable grounds to believe books, papers, documents or things are kept that relate to a pension plan or pension fund.

Examinations

(4) A person mentioned in subsection (1) may make examinations, investigations and inquiries and may require the production of any book, paper, document or thing related to a pension plan or pension fund.

Samples or extracts

(5) A person mentioned in subsection (1) may make, take and remove or require the making, taking and removal of copies or extracts related to an examination, investigation or inquiry for a purpose mentioned in subsection (2).

Reasonable times

(6) The authority under subsections (3) to (5) shall be exercised only at reasonable times.

Private residence

(7) Subsection (3) is not authority to enter a private residence without the consent of the occupier.

Removal of books, etc., for copying

(8) A person mentioned in subsection (1) who is making an examination, investigation or inquiry may, upon giving a receipt therefor, remove any books, papers, documents or things relating to the subject-matter of the examination, investigation or inquiry for the purpose of making copies of the books, papers, documents or things, but the copying shall be carried out with reasonable dispatch and the books, papers, documents or things shall be returned forthwith after the copying is completed.

(9) A copy of any written or recorded material found in an examination, investigation or inquiry and purporting to be certified by a person mentioned in subsection (1) is admissible in evidence in any action, proceeding or prosecution for all purposes for which the original would have been admissible. Copies

(10) If an occupier of premises, Application for warrant

(a) denies entry or access to, through or over the premises to a person mentioned in subsection (1);

(b) instructs a person mentioned in subsection (1) to leave the premises;

(c) obstructs a person mentioned in subsection (1) who is acting for a purpose mentioned in subsection (2);

(d) refuses to comply with a request for the production of any thing the production of which is requested for the purpose of an examination, investigation or inquiry or for a purpose mentioned in subsection (2),

a person mentioned in subsection (1) may apply to a justice of the peace for an inspection order under section 109.

(11) A person exercising a power under this section shall provide identification at the time of entry. Identification

108.—(1) No person shall hinder or obstruct a person mentioned in subsection 107 (1) who is lawfully carrying out a duty under this Act. Obstruction

(2) A refusal of consent to enter a private residence is not and shall not be deemed to be hindering or obstructing within the meaning of subsection (1). Private residence

109.—(1) Where a justice of the peace is satisfied on evidence upon oath, Order by justice of the peace

(a) that there is reasonable and probable ground for believing that it is necessary,

(i) to enter and have access to, through and over any premises,

(ii) to make examinations, investigations or inquiries, and

(iii) to make, take and remove photographs, samples, copies or extracts related to an examination, investigation or inquiry,

or to do any of such things, for a purpose mentioned in subsection 107 (2); and

(b) that a person mentioned in subsection 107 (1),

(i) has been denied entry to the premises,

(ii) has reasonable grounds to believe that entry to the premises will be denied,

(iii) has been instructed to leave the premises,

(iv) has been obstructed, or

(v) has been refused production of any thing related to an examination, investigation or inquiry,

by the occupier of the premises,

the justice of the peace may issue an inspection order authorizing a person mentioned in subsection 107 (1) to act as mentioned in clause (a) in respect of the premises specified in the inspection order, by force if necessary, together with such police officer or officers as they call upon to assist them.

Execution of order

(2) An inspection order issued under this section shall be executed between 6 a.m. and 9 p.m. standard time unless the justice of the peace otherwise authorizes in the order.

Expiry of order

(3) An inspection order issued under this section shall state the date on which it expires, which shall be a date not later than fifteen days after the inspection order is issued.

Ex parte application

(4) A justice of the peace may receive and consider an application for an inspection order under this section without notice to and in the absence of the owner or the occupier of the premises.

Offence

110.—(1) Every person who contravenes this Act or the regulations is guilty of an offence.

Idem

(2) Every person who contravenes an order made under this Act is guilty of an offence.

Penalty

111.—(1) Every person who is guilty of an offence under this Act is liable on conviction to a fine of not more than $25,000.

Corporation

(2) Where a corporation is convicted of an offence under this Act, the maximum penalty that may be imposed is $100,000 and not as provided in subsection (1).

Officers, etc.

(3) Where a corporation is guilty of an offence under this Act, an officer, official, director or agent of the corporation who directed, authorized, assented to, acquiesced in, or participated in, the commission of the offence is a party to and guilty of the offence and is liable on conviction to a fine of not more than $25,000.

Order for payment

(4) Where a person is convicted of an offence related to the failure to submit or make payment to a pension fund or to an insurance company, the court that convicts the person may, in addition to any fine imposed, assess the amount not submitted or not paid and order the person to pay the amount to the pension fund or to the insurance company.

Enforcement

(5) An order for payment under subsection (4), exclusive of the reasons therefor, may be filed in the Supreme Court and is thereupon enforceable as an order of that court.

Time limit

(6) No proceeding under this Act shall be commenced after five years after the date when the subject-matter of the proceeding occurred or is alleged to have occurred.

Power to restrain

112. Where a provision of this Act or the regulations or an order or approval of the Commission or the Superintendent under this Act is contravened, in addition to any other remedy and to any penalty imposed by law, the contravention may be restrained by action at the instance of the Commission or of the administrator of a pension plan affected by the contravention.

Service

113.—(1) Any notice, order or other document under this Act or the regulations is sufficiently given, served or delivered if delivered personally or sent by first class mail addressed to the person to whom it is to be given, served or delivered at his or her last known address.

Deemed service

(2) A notice, order or other document sent by first class mail in accordance with subsection (1) shall be deemed to be given, served or delivered on the seventh day after the day of mailing, unless the person to whom it is sent establishes that, acting in good faith, he or she did not receive the notice, order or other document, or did not receive it until a later

date, through absence, accident, illness or other cause beyond his or her control.

General notice

(3) Where the Superintendent is of the opinion that because the persons who are to be given any notice or document under this Act or the regulations are so numerous or for any other reason it is not reasonable to give the notice or document to all or any of the persons individually, the Superintendent may authorize the giving of the notice or document or reasonable notice of the contents of the notice or document to the persons by public advertisement or otherwise as the Superintendent may direct and the date on which the notice or document or the reasonable notice of the contents is first published or otherwise given as directed shall be deemed to be the date on which the notice or document is given.

Time for actions by administrator

114. An administrator of a pension plan who is required to take an action under this Act or the regulations shall take the action within the prescribed period of time.

Conflict

115. In the event of a conflict between this Act and any other Act, this Act prevails unless the other Act states that it is to prevail over the *Pension Benefits Act, 1987*.

1987, c. 35

Regulations

116.—(1) The Lieutenant Governor in Council may make regulations,

(a) prescribing any matter referred to in this Act as prescribed by the regulations;

(b) prescribing the times for filing or the last dates for filing of documents that are required to be filed under this Act;

(c) prescribing reports that shall be submitted to the Commission, the contents and the method of preparation of the reports and the persons or classes of persons by whom the reports must be prepared;

(d) prescribing pension benefits that are not guaranteed by the Guarantee Fund;

(e) prescribing assessments for the purposes of the Guarantee Fund and prescribing the classes of employers that shall pay such assessments;

(f) prescribing procedures that shall govern the appointments of members of pension committees and advisory committees;

(g) prescribing procedures that shall govern the establishment of advisory committees and the appointments of members of advisory committees;

(h) prescribing fees that shall be paid for copies of documents provided by the Commission;

(i) prescribing the methods of calculating the values of assets and liabilities of pension funds;

(j) prescribing criteria that must be complied with before any surplus may be paid out of a pension fund;

(k) prescribing the rate or the method of determining the rate at which an employer shall pay moneys due from the employer under this Act on the winding up of a pension plan, and prescribing the manner of payment and to whom the payments shall be made;

(l) regulating or prohibiting the investment of moneys from pension funds and prescribing investments or classes of investments in which such moneys may be invested;

(m) prescribing requirements for retirement savings contracts and life annuity contracts between members of pension plans and trustees to whom administrators may make payment when required in accordance with this Act, requiring such trustees to file specimens of such contracts before such payments may be made, and authorizing the Superintendent to refuse to file a specimen contract that does not meet the requirements;

(n) prescribing the rate of interest and the method of calculating interest payable under this Act or the regulations, if such rate or method is not specified in the requirement for payment of the interest;

(o) prescribing forms and providing for their use;

(p) prescribing the time within which any document specified in the regulations that this Act requires to be given, transmitted, filed or served shall be given, transmitted, filed or served;

(q) prescribing requirements that shall be complied with in the administration of a pension plan;

(r) prescribing records that shall be kept by the administrator of a pension plan and the period of time for which such records shall be retained by the administrator;

(s) requiring the audit of pension plans or classes of pension plans and pension funds and classes of pension funds and prescribing the persons or classes of persons who may perform the audits and the manner of performing the audits;

(t) prescribing the manner of determining the portion of a pension benefit, pension, deferred pension or ancillary benefit that is attributable to employment before the date on which this Act comes into force or that is attributable to employment after the date on which this Act comes into force;

(u) prohibiting or regulating the reduction of bridging benefits or the variation of pension benefits by reference to benefits payable under the *Canada Pension Plan*, the *Quebec Pension Plan* or the *Old Age Security Act* (Canada);

R.S.C. 1970, c. C-5
R.S.Q. 1977, c. R-9
R.S.C. 1970, c. O-6

(v) governing the wind up of pension plans or classes of pension plans and prescribing priorities or the method of determining priorities on wind up, including priorities in allocation of assets;

(w) governing the receiving, holding and disbursing of pension benefits by any agency established or designated under this Act;

(x) exempting pension plans, pension funds, employees, administrators or other persons from the application of this Act or the regulations or from any section of this Act or the regulations.

Scope of regulations

(2) A regulation may be general or particular in its application and may be limited as to time or place or both.

Adoption of codes in regulations

(3) A regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code, formula, standard or procedure, and may require compliance with a code, formula, standard or procedure so adopted.

Terms, conditions, qualifications, requirements

(4) Any provision of a regulation may be subject to such terms, conditions, qualifications or requirements as are specified in the regulation.

Repeals

117. The *Pension Benefits Act*, being chapter 373 of the Revised Statutes of Ontario, 1980 and the *Pension Benefits Amendment Act, 1983*, being chapter 2, are repealed.

Commencement

118. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

119. The short title of this Act is the *Pension Benefits Act, 1987*.

CHAPTER 37

An Act to amend the Mental Health Act

Assented to June 29th, 1987

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of the *Mental Health Act*, being chapter 262 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1986, chapter 64, section 33, is further amended by adding thereto the following clause:

(ba) "informal patient" means a person who is a patient in a psychiatric facility under the authority of a parent, guardian or committee of the person appointed for the patient under the *Mental Incompetency Act*. R.S.O. 1980, c. 264

(2) Clause 1 (j) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 64, section 33, is repealed.

(3) Section 1 of the said Act, as amended by the Statutes of Ontario, 1986, chapter 64, section 33, is further amended by adding thereto the following clause:

(sa) "related medical treatment" means medical treatment or procedures necessary for,

(i) the safe and effective administration of the psychiatric treatment, or

(ii) the control of the unwanted effects of the psychiatric treatment.

2. The said Act is amended by adding thereto the following sections:

Substitute consent

1a.—(1) A person may give or refuse consent on behalf of a patient who is not mentally competent if the person has attained the age of sixteen years, is apparently mentally competent, is available and willing to give or refuse consent and is described in one of the following paragraphs:

1. The committee of the person appointed for the patient under the *Mental Incompetency Act*.

R.S.O. 1980, c. 264

2. The patient's representative appointed under section 1b or 1c.

3. The person to whom the patient is married or the person of the opposite sex with whom the patient is living outside marriage in a conjugal relationship or was living outside marriage in a conjugal relationship immediately before being admitted to the psychiatric facility, if in the case of unmarried persons they,

   i. have cohabited for at least one year,

   ii. are together the parents of a child, or

   iii. have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

1986, c. 4

4. A child of the patient.

5. A parent of the patient or a person who has lawful custody of the patient.

6. A brother or sister of the patient.

7. Any other next of kin of the patient.

8. The Official Guardian.

Refusal

(2) If a person in a category in subsection (1) refuses consent on the patient's behalf, the consent of a person in a subsequent category is not valid.

Preference

(3) If two or more persons who are described in different paragraphs of subsection (1) claim the authority to give or refuse consent on behalf of a patient, the claim of the person who is described in the paragraph occurring first in that subsection prevails.

Conflict

(4) If two or more persons who are described in the same paragraph of subsection (1) claim the authority to give or refuse consent on behalf of a patient, if they disagree about whether to give or refuse consent and if their claims would prevail over any other claims under subsection (3), the refusal prevails.

Consent by relative

(5) A person described in paragraph 3, 4, 5, 6 or 7 of subsection (1) may not give or refuse consent on a patient's behalf unless the person makes a statement in writing certifying,

(a) the person's relationship to the patient;

(b) that the person has been in personal contact with the patient over the preceding twelve month period;

(c) that the person is willing to assume the responsibility for consent or refusing consent; and

(d) that the person is not aware of any other person described in the same paragraph or in a previous paragraph who claims the authority to give or refuse consent.

Basis for substitute consent

(6) A person authorized to give or refuse consent on behalf of a patient shall do so in accordance with the wishes of the patient if the person knows that the patient expressed any such wishes when apparently mentally competent and in accordance with the best interests of the patient if the person does not know of any such wishes.

Reliance on statement

(7) A person who seeks another person's consent on a patient's behalf is entitled to rely on the accuracy of the other person's written statement under subsection (5), unless it is not reasonable to do so.

Reasonable inquiries

(8) A person seeking consent on behalf of a patient is not liable for failing to request the consent of another person entitled to give or refuse consent on behalf of the patient if, after reasonable inquiries, the person did not find the other person.

Patient's representative

1b.—(1) A person who has attained the age of sixteen years and is mentally competent to do so has the right to appoint a representative who has attained the age of sixteen years and is apparently mentally competent to give or refuse consent on behalf of the person for the purpose of paragraph 2 of subsection 1a (1).

Appointment in writing

(2) An appointment of a representative shall be made in writing in the presence of a witness.

Conditions

(3) An appointment may be subject to such conditions and restrictions, if any, as are contained in it and not inconsistent with this Act.

Notice by physician

(4) The attending physician shall inform the patient in writing of the patient's right under subsection (1) within forty-eight hours after the patient is admitted or registered to the psychiatric facility.

Transitional

(5) As soon as practicable, the officer in charge shall inform all persons who are patients of the facility at the time of the coming into force of this section in writing of their rights under subsection (1).

Contents of notice

(6) The notice shall be in the form prescribed by the regulations and shall inform the patient of the powers and responsibilities of a representative under this Act.

Appointment of representative

(7) If a patient gives or transmits to the officer in charge a statement in writing appointing a representative, the officer in charge shall transmit the statement to the representative forthwith.

Revocation

(8) A person who has appointed a representative may revoke in writing the appointment and may appoint in writing a new representative while mentally competent to do so, and subsection (7) applies with necessary modifications in respect of the revocation and new appointment.

Board appointed representative

1c.—(1) A patient who has attained the age of sixteen years, is not mentally competent to appoint a representative and has not named a representative under section 1b, has the right to apply to the board for the appointment of a representative requested by the patient to give or refuse consent on behalf of the patient for the purpose of paragraph 2 of subsection 1a (1).

Notice by physician

(2) An attending physician who determines that a patient is not competent to appoint a representative shall as soon as practicable inform the patient in writing of the patient's right under subsection (1).

Contents of notice

(3) The notice shall be in the form prescribed by the regulations and shall inform the patient of the powers and responsibilities of a representative under this Act.

Parties

(4) The patient, the person proposed as a representative, the person who would be authorized under subsection 1a (1) to consent on behalf of the patient if no order is made by the board under this section and such other persons as the board may specify are parties to a proceeding before the board under this section.

Appointment

(5) The board shall appoint a person as a representative for a patient only if the patient approves of the appointment and the board is satisfied that the person,

(a) has attained the age of sixteen years;

(b) is apparently mentally competent to give or refuse consent on behalf of the patient;

(c) consents to the appointment; and

(d) in the board's opinion it is in the patient's interest to appoint the person as a representative.

Idem

(6) The board may appoint a person other than the person requested by the patient to be the patient's representative.

Conditions

(7) An appointment made by the board may be subject to such conditions and restrictions, if any, as are approved by the patient, set out in the appointment and not inconsistent with this Act.

Person sixteen years of age

1d.—(1) A person who has not attained sixteen years of age is presumed to be not mentally competent to consent for the purposes of this Act.

Limitation

(2) The presumption that a person is not mentally competent is subject to a determination by the attending physician, the review board or a court, pursuant to subsection 29a (14), section 35 or 35b, that the person is mentally competent.

3. Subsection 15 (3) of the said Act is repealed.

4.—(1) Clause 29 (1) (b) of the said Act is repealed and the following substituted therefor:

(b) "patient" includes former patient, out-patient, former out-patient and anyone who is or has been detained in a psychiatric facility.

(2) Clause 29 (3) (a) of the said Act, as amended by the Statutes of Ontario, 1986, chapter 64, section 33, is further amended by striking out "has attained the age of sixteen years and" in the first and second lines.

(3) Clause 29 (3) (b) of the said Act, as amended by the Statutes of Ontario, 1986, chapter 64, section 33, is further amended by striking out "has not attained the age of sixteen years or" in the first and second lines.

(4) The said clause 29 (3) (b) is further amended by striking out "nearest relative of the patient" in the third and fourth lines and inserting in lieu thereof "person authorized under section 1a to consent on behalf of the patient".

(5) Clause 29 (3) (e) of the said Act, as amended by the Statutes of Ontario, 1986, chapter 64, section 33, is further amended by striking out "has not attained the age of sixteen years or" in the second line.

(6) The said clause 29 (3) (e) is further amended by striking out "nearest relative of the patient" in the third and fourth lines and inserting in lieu thereof "person authorized under section 1a to consent on behalf of the patient".

(7) Subsection 29 (3a) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 64, section 33, is repealed.

(8) Clause 29 (9) (b) of the said Act, as amended by the Statutes of Ontario, 1986, chapter 64, section 33, is further amended by striking out "nearest relative of the patient" in the third line and inserting in lieu thereof "person authorized under section 1a to consent on behalf of the patient".

(9) Clause 29 (9) (c) of the said Act, as amended by the Statutes of Ontario, 1986, chapter 64, section 33, is further amended by striking out "nearest relative of the patient" in the sixth and seventh lines and inserting in lieu thereof "person authorized under section 1a to consent on behalf of the patient".

5.—(1) Subsection 29a (1) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 64, section 33, is repealed and the following substituted therefor:

Patient access to clinical record

(1) A patient who is mentally competent is entitled to examine and copy at the patient's own expense the clinical record of the patient or a copy of the record.

(2) Subsection 29a (14) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 64, section 33, is amended by inserting after "determined" in the first line "or presumed".

(3) Subsection 29a (16) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 64, section 33, is amended by striking out "has not attained the age of sixteen years or" in the first and second lines and by striking out "patient's nearest relative" in the second and third lines and inserting in

lieu thereof "person authorized under section 1a to consent on behalf of the patient".

(4) Subsection 29a (17) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 64, section 33, is amended by striking out "patient's nearest relative" in the third line and inserting in lieu thereof "person".

6. Section 30a of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 66 and amended by the Statutes of Ontario, 1986, chapter 64, section 33, is further amended by adding thereto the following subsections:

Notice of application or order

(1c) The attending physician of a person who is the subject of an application for assessment under section 9 or of an order under section 26 shall give or transmit to the person written notice of the application or order.

Notice of application for order

(1d) A physician who applies to the review board for an order authorizing the giving of specified psychiatric and other related medical treatment to a patient shall give or transmit written notice of the application to the patient and to the area director for the area, in accordance with the *Legal Aid Act*, in which the psychiatric facility is located.

R.S.O. 1980, c. 234

Information

(1e) The notices specified in subsections (1), (1b) and (1c), excluding the notice to the area director, shall inform the patient or person,

(a) of the reasons for the detention; and

(b) that he or she has the right to retain and instruct counsel without delay.

7.—(1) Subsection 31 (2) of the said Act is amended by adding at the commencement thereof "In addition to the applications under subsection (4)".

(2) Section 31 of the said Act, as amended by the Statutes of Ontario, 1986, chapter 64, section 33, is further amended by adding thereto the following subsection:

Waiver

(5) A waiver by an involuntary patient of an application or of the right to an application mentioned in subsection (4) is a nullity.

8. Section 32 of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 64, section 33, is repealed and the following substituted therefor:

Hearing deemed abandoned

32. Except as provided in subsection 33f (1e) or (1j), where an appeal is taken against a certificate of involuntary admission or a certificate of renewal and the time period for the certificate under subsection 14 (4) expires before a decision is rendered, the appeal shall be deemed to be abandoned whether or not the certificate is renewed.

9. Section 32a of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 64, section 33, is repealed and the following substituted therefor:

Review of admission or renewal

32a.—(1) On the hearing of an application, the review board shall promptly review the patient's status to determine whether or not the prerequisites set out in this Act for admission as an involuntary patient continue to be met at the time of the hearing of the application.

Confirming order

(2) The review board by order may confirm the patient's status as an involuntary patient if the review board determines that the prerequisites set out in this Act for admission as an involuntary patient were met at the time of the hearing of the application.

Rescinding order

(3) The review board by order shall rescind the certificate if the review board determines that the prerequisites set out in this Act for admission as an involuntary patient were not met at the time of the hearing of the application.

Application of order

(4) An order of the review board confirming or rescinding a certificate applies to the certificate of involuntary admission or the certificate of renewal in force immediately before the making of the order.

10.—(1) Subsection 33f (1d) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 64, section 33, is amended by inserting after "days" in the fifth line "excluding Saturday and holidays".

(2) Subsection 33f (1e) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 64, section 33, is repealed and the following substituted therefor:

Extension of certificate for appeal

(1e) Where, before a certificate of involuntary admission, a certificate of renewal or an extension of a certificate expires, a party to the appeal other than the patient or the person acting on the patient's behalf applies to the court for an extension of the certificate beyond the time period for the certificate under subsection 14 (4), the court may by order extend the effectiveness of the certificate.

(3) Subsection 33f (1f) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 64, section 33, is amended by striking out "or" at the end of clause (b), by adding "or" at the end of clause (c) and by adding thereto the following clause:

(d) until the attending physician confirms under subsection (1k) that the patient does not meet the criteria set out in subsection 14 (5),

. . . . .

(4) Section 33f of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67 and amended by the Statutes of Ontario, 1986, chapter 64, section 33, is further amended by adding thereto the following subsections:

Effectiveness of certificate

(1j) Where an appeal is taken from a decision of the review board to confirm a certificate of involuntary admission or a certificate of renewal, the certificate is effective until,

(a) the certificate is confirmed or rescinded by the court;

(b) the certificate is rescinded by the attending physician;

(c) forty-eight hours after notice is given to the attending physician that the party appealing has withdrawn the appeal; or

(d) the attending physician confirms under subsection (1k) that the patient does not meet the criteria set out in subsection 14 (5).

Examination

(1k) Notwithstanding subsections (1) to (1i), the attending physician shall examine the patient at the intervals that would have applied under section 14 and shall complete and file with the officer in charge a statement in writing as to whether or not the patient meets the criteria set out in subsection 14 (5).

11. Section 35 of the said Act, as amended by the Statutes of Ontario, 1986, chapter 64, section 33, is repealed and the following substituted therefor:

Interpretation

35.—(1) In this section and in sections 35a, 35b and 35c,

(a) "electroconvulsive therapy" means the procedure for the treatment of certain mental disorders that

induces, by electrical stimulation of the brain, a series of generalized convulsions;

(b) "having the ability to understand the subject matter in respect of which consent is requested" in the definition of "mentally competent" means having the ability to understand the nature of the illness for which treatment is proposed and the treatment proposed; and

(c) "psychosurgery" means any procedure that, by direct or indirect access to the brain, removes, destroys or interrupts the continuity of histologically normal brain tissue, or which inserts indwelling electrodes for pulsed electrical stimulation for the purpose of altering behaviour or treating psychiatric illness, but does not include neurological procedures used to diagnose or treat organic brain conditions or to diagnose or treat intractable physical pain or epilepsy where these conditions are clearly demonstrable.

Consent to treatment

(2) Psychiatric and other related medical treatment shall not be given to a patient,

(a) where the patient is mentally competent, without the voluntary, informed consent of the patient;

(b) where the patient is not mentally competent,

(i) without the consent of a person authorized by section 1a to consent on behalf of the patient,

(ii) unless the review board has made an order authorizing the giving of the specified psychiatric and other related medical treatment, or

(iii) unless a physician certifies in writing that there is imminent and serious danger to the life, a limb or a vital organ of the patient requiring immediate treatment and the physician believes that delay in obtaining consent would endanger the life, a limb or a vital organ of the patient.

Restriction

(3) Subclause (2) (b) (iii) only authorizes the giving of such treatment as is necessary to preserve the life, a limb or a vital organ of the patient.

Psychosurgery

(4) The consent to psychiatric and other related medical treatment,

(a) of an involuntary patient; or

(b) of a person authorized by this Act to consent on behalf of a patient,

does not include and shall not be deemed to include psychosurgery.

Best interests

(5) A person authorized to give or refuse consent on behalf of a patient shall consider the following factors to determine whether a specified psychiatric treatment and other related medical treatment are in the best interests of a patient,

(a) whether the mental condition of the patient will be or is likely to be substantially improved by the specified psychiatric treatment;

(b) whether the mental condition of the patient will improve or is likely to improve without the specified psychiatric treatment;

(c) whether the anticipated benefit from the specified psychiatric treatment and other related medical treatment outweighs the risk of harm to the patient; and

(d) whether the specified psychiatric treatment is the least restrictive and least intrusive treatment that meets the requirements of clauses (a), (b) and (c).

12. The said Act is further amended by renumbering section 35a, as enacted by the Statutes of Ontario, 1986, chapter 64, section 33, as section 35d and by adding thereto the following sections:

Application to review board

35a.—(1) The attending physician of an involuntary patient may apply to the review board for an order authorizing the giving of specified psychiatric and other related medical treatment to the patient where the patient is not mentally competent,

(a) if a person authorized under section 1a to consent to such treatment on the patient's behalf has refused to consent; or

(b) under the circumstances described in subsection 1a (4).

Material on application

(2) The review board shall not consider an application unless it is accompanied by statements signed by the attending physician and a psychiatrist who is not a member of the medical staff of the psychiatric facility, each stating that they have examined the patient and that they are of the opinion that,

(a) the mental condition of the patient will be or is likely to be substantially improved by the specified psychiatric treatment;

(b) the mental condition of the patient will not improve or is not likely to improve without the specified psychiatric treatment;

(c) the anticipated benefit from the specified psychiatric treatment and other related medical treatment outweighs the risk of harm to the patient; and

(d) the specified psychiatric treatment is the least restrictive and least intrusive treatment that meets the requirements of clauses (a), (b) and (c).

Reasons for opinions

(3) Each of the opinions in the statements described in subsection (2) shall be supported with reasons.

Basis for decision

(4) The review board by order may authorize the giving of the specified psychiatric and other related medical treatment if it is satisfied that,

(a) the mental condition of the patient will be or is likely to be substantially improved by the specified psychiatric treatment;

(b) the mental condition of the patient will not improve or is not likely to improve without the specified psychiatric treatment;

(c) the anticipated benefit from the specified psychiatric treatment and other related medical treatment outweighs the risk of harm to the patient; and

(d) the specified psychiatric treatment is the least restrictive and least intrusive treatment that meets the requirements of clauses (a), (b) and (c).

Terms and conditions

(5) An order may include terms and conditions and shall specify the period of time during which it is effective.

No psychosurgery, E.C.T.

(6) No order of the board is or shall be deemed to be authority to perform psychosurgery or to administer electroconvulsive therapy.

Parties

(7) The attending physician, the patient and such other persons as the review board may specify are parties to the proceedings before the review board.

Idem

(8) Where the patient is not mentally competent,

(a) the person authorized under section 1a to consent on the patient's behalf; or

(b) under the circumstances described in subsection 1a (4), all of the persons described therein,

are also parties to the proceedings.

Notice to Official Guardian

(9) The officer in charge shall notify the Official Guardian forthwith after an application is made under this section or section 35b in respect of a patient determined to be not mentally competent to consent to psychiatric and other related medical treatment where it appears to the officer in charge that the patient will not be represented at the forthcoming hearing.

Official Guardian to ensure patient represented

(10) Upon receiving a notice under subsection (9), the Official Guardian shall represent the patient at the hearing of the application unless the Official Guardian is satisfied that another person will represent the patient.

Treatment pending appeal

(11) Where a party appeals an order authorizing the providing of specified psychiatric and other related medical treatment or a specified course of psychiatric and other related medical treatment to a patient, the treatment or course of treatment shall not be provided pending the outcome of the appeal, unless otherwise ordered by a judge of the court appealed to.

Procedure

(12) Sections 33a, 33b, 33c, 33d, 33e and 33f apply with necessary modifications to an application under subsection (1).

Application for review of patient determined incompetent

35b.—(1) A patient determined or presumed to be not mentally competent for the purpose of section 35 may apply in the prescribed form to the review board to inquire into whether the patient is not mentally competent.

Idem

(2) If an application is made under subsection (1), the proposed psychiatric treatment shall not be given until the matter

is determined by the review board or, where the patient appeals its decision, until the matter is finally determined, unless otherwise ordered by a judge of the court appealed to.

Idem

(3) Sections 33, 33a, 33b, 33c, 33d, 33e and 33f apply with necessary modifications to an application under subsection (1).

Treatment for persons detained under R.S.C. 1970, c. C-34

35c.—(1) Sections 35 and 35b apply with necessary modifications to a person who is remanded or detained in a psychiatric facility pursuant to the *Criminal Code* (Canada), as if the person were an involuntary patient.

Idem

(2) Section 35a applies with necessary modifications to a person where the review board is satisfied that the person,

(a) is remanded or detained in a psychiatric facility pursuant to the *Criminal Code* (Canada); and R.S.C. 1970, c. C-34

(b) is suffering from mental disorder of a nature or quality that likely would result in,

(i) serious bodily harm to the person,

(ii) serious bodily harm to another person, or

(iii) imminent and serious physical impairment of the person,

if the person did not remain in the custody of a psychiatric facility,

as if the person were an involuntary patient.

Commencement

13. This Act comes into force on the day it receives Royal Assent.

Short title

14. The short title of this Act is the *Mental Health Amendment Act, 1987*.

PART II
PRIVATE ACTS

Chapters Pr1 to Pr22

CHAPTER Pr1

An Act respecting the City of Hamilton

Assented to February 12th, 1987

Preamble

Whereas The Corporation of the City of Hamilton, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1. In this Act,

"flea market" means a place, building or structure on or in which are situated stands at which trades, callings, businesses or occupations are carried on by separate vendors;

"stand" means an area in the flea market at which new or used goods are exposed or offered for sale.

Licensing, regulating, etc., flea markets

2.—(1) The council of the Corporation may pass by-laws,

(a) for licensing, regulating, governing and inspecting flea markets or any class of them; and

(b) for licensing, regulating and governing stands, unless a stand or a vendor at a stand is otherwise licensed by the Corporation and for revoking such licence.

Application of R.S.O. 1980, c. 302

(2) A by-law passed under this section shall be deemed to be a by-law passed under the *Municipal Act*.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *City of Hamilton Act, 1987*.

CHAPTER Pr2

An Act respecting the High Street Recreation Complex of St. Thomas and Elgin

Assented to February 12th, 1987

Preamble

Whereas the High Street Recreation Complex of St. Thomas and Elgin, herein called the Complex, hereby represents that it was incorporated by letters patent on the 29th day of March, 1985; that the objects of the Complex are to acquire, maintain and operate a community recreation complex and to establish and carry on community programs of physical education and development and of recreation; that the Complex is a registered charitable organization within the meaning of the *Income Tax Act* (Canada); that it is desirable that provision be made to authorize the council of The Corporation of the City of St. Thomas to exempt the real property of the Complex from taxation for municipal and school purposes, other than local improvement rates; and whereas the Complex hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

R.S.C. 1952, c. 148

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Tax exemption

1.—(1) The council of The Corporation of the City of St. Thomas may pass by-laws exempting from taxes for municipal and school purposes, other than local improvement rates, the land, as defined in the *Assessment Act*, occupied by the Complex, being the lands and premises described in the Schedule, so long as the land is owned, occupied and used solely for the purposes of the Complex.

R.S.O. 1980, c. 31

Conditions

(2) An exemption granted under subsection (1) may be subject to such conditions as may be set out in the by-law.

By-law may be retroactive

(3) A by-law passed under subsection (1) may be retroactive to the 1st day of March, 1985.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *High Street Recreation Complex of St. Thomas and Elgin Act, 1987*.

SCHEDULE

That parcel of land and premises in the City of St. Thomas in the County of Elgin being part of Lot 1 according to Registered Plan 264 and described as follows:

COMMENCING at the southwest angle of said Lot 1;

THENCE easterly along the southerly limit of said Lot 1, 495 feet;

THENCE northerly parallel to the westerly limit of said Lot 1 a distance of 265 feet;

THENCE westerly parallel to the southerly limit of said Lot 1, 495 feet to the westerly limit of said Lot 1 which is also the easterly limit of High Street;

THENCE southerly along the westerly limit of said Lot 1, 265 feet to the point of commencement.

CHAPTER Pr3

An Act respecting the City of Toronto

Assented to February 12th, 1987

Preamble

Whereas The Corporation of the City of Toronto, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-laws
1983, c. 1

1. The council of the Corporation may pass by-laws under section 34 of the *Planning Act, 1983* amending by-laws passed under that section without giving notice to any person and without holding public meetings or public hearings if the effect of the amending by-law is only to set out the municipal address or addresses to which the original by-law applies.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *City of Toronto Act, 1987*.

CHAPTER Pr4

An Act respecting the City of Mississauga

Assented to February 12th, 1987

Preamble

Whereas The Corporation of the City of Mississauga, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-laws respecting cabs, refreshment vehicles and driving school vehicles

1.—(1) The council of the Corporation may pass by-laws requiring that the driver of,

(a) a cab or other vehicle used for hire or any class thereof;

(b) a refreshment vehicle; or

(c) a driving school vehicle,

surrender the licence to operate such vehicle for reasonable inspection by, and upon the demand of, a municipal law enforcement officer appointed by the council under section 70 of the *Police Act*.

R.S.O. 1980, c. 381

Restriction

(2) A by-law passed under subsection (1) does not empower a municipal law enforcement officer to stop a moving vehicle.

Identification may be requested

2. A by-law passed under section 1 may provide that every person who is unable or refuses to surrender his or her licence shall, when requested by a municipal law enforcement officer, give reasonable identification of himself or herself and, for the purposes of this section, the correct name and address of such person shall be deemed to be reasonable identification.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *City of Mississauga Act, 1987*.

CHAPTER Pr5

An Act to revive Williams Creek Gold Quartz Mining Co. Limited

Assented to February 12th, 1987

Preamble

Whereas John C.L. Black, R. James Munro, J. Duane Poliquin and Robert E. Wyber hereby represent that Williams Creek Gold Quartz Mining Co. Limited, herein called the Corporation, was incorporated by letters patent dated the 19th day of June, 1946; that the Minister of Consumer and Commercial Relations by order dated the 3rd day of March, 1981 and made under the authority of subsection 251 (3) of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, cancelled the certificate of incorporation of the Corporation for default in complying with *The Corporations Tax Act, 1972*, being chapter 143, and declared that the Corporation be dissolved on the 3rd day of March, 1981; that the applicants were directors of the Corporation; that the default occurred by reason of inadvertence; that the applicants wish to revive the Corporation in order to carry on active business; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Revival

1. Williams Creek Gold Quartz Mining Co. Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Williams Creek Gold Quartz Mining Co. Limited Act, 1987*.

CHAPTER Pr6

An Act to revive The Migraine Foundation

Assented to February 12th, 1987

Preamble

Whereas Raymond Taylor, Elie Cass, Mary L. Stewart, Mary Stephenson, Kenneth B. McKay and Rosemary Dudley hereby represent that the National Migraine Association was incorporated by letters patent dated the 17th day of February, 1972; that supplementary letters patent changing the name of the National Migraine Association to The Migraine Foundation, herein called the Corporation, were issued the 31st day of October, 1974; that the Minister of Consumer and Commercial Relations by order dated the 17th day of July, 1979, and made under the authority of subsection 347 (9) of *The Corporations Act*, being chapter 89 of the Revised Statutes of Ontario, 1970, cancelled the letters patent of the Corporation for default in complying with section 5 of *The Corporations Information Act, 1976*, and declared the Corporation to be dissolved on the 17th day of July, 1979; that the applicants are directors of the ongoing foundation that is carried on in the name of the Corporation; that notice of default in filing annual returns was apparently sent to the Corporation; that the default occurred by reason of inadvertence; that none of the applicants were aware of the dissolution of the Corporation until more than two years after the date thereof; that the Corporation at the time of dissolution was carrying on the functions authorized by its letters patent and since that time these functions have continued to be carried on in the name of the Corporation; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

1976, c. 66

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Revival

1. The Migraine Foundation is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Migraine Foundation Act, 1987*.

CHAPTER Pr7

An Act respecting the Town of Wasaga Beach

Assented to February 12th, 1987

Preamble

Whereas The Corporation of the Town of Wasaga Beach, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Declarations confirmed; council deemed organized R.S.O. 1980, c. 302

1. Notwithstanding the failure to comply with subsections 49 (1) and 97 (1) of the *Municipal Act*,

(a) the declaration and oath of office of every person duly elected to the council of the Corporation as a result of the general election held on the 12th day of November, 1985 is deemed to be valid from the date of the signing thereof; and

(b) the council of the Corporation is deemed to have been organized within the meaning of the *Municipal Act* from the date of its first meeting held after the said general election.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Town of Wasaga Beach Act, 1987*.

CHAPTER Pr8

An Act respecting the City of Mississauga

Assented to February 12th, 1987

Preamble

Whereas The Corporation of the City of Mississauga, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1. In this Act,

"handicapped" means a person who has,

(a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a dog guide or on a wheelchair or other remedial appliance or device,

(b) a condition of mental retardation or impairment,

(c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language, or

(d) a mental disorder;

"municipal taxes" means taxes imposed for municipal and school purposes in respect of real property assessed as residential or farm property and includes local improvement or other special rates;

"owner" means a person assessed as the owner of residential real property and includes an owner within the meaning of the *Condominium Act*;

R.S.O. 1980, c. 84

"personal residence" means the residence ordinarily inhabited by the owner;

"spouse" means a person of the opposite sex to whom the person is married or with whom the person is living outside marriage in a conjugal relationship of at least one year's duration.

Tax credit and refund authorized

2. Notwithstanding any general or special Act, the council of the Corporation may pass by-laws authorizing and directing the treasurer of the Corporation to allow owners of residential real property in the City of Mississauga a uniform credit or refund in an amount of $150 per year or such greater amount as the by-law may provide against municipal taxes for the years 1987, 1988, 1989 and 1990, in respect of the residential real property,

(a) if the owner or the spouse of the owner, or both,

(i) has or have attained the age of sixty years and is or are receiving benefits under the *Family Benefits Act* or assistance under the *General Welfare Assistance Act*, or

R.S.O. 1980, cc. 151, 188

(ii) has or have attained the age of sixty-five years and is or are receiving a monthly guaranteed income supplement under Part II of the *Old Age Security Act* (Canada), or

R.S.C. 1970, c. O-6

(iii) is or are handicapped and is or are receiving benefits under the *Family Benefits Act* or assistance under the *General Welfare Assistance Act*;

(b) if the owner or the spouse of the owner, or both, occupies or occupy the property in respect of which municipal taxes are imposed as his, her or their personal residence; and

(c) if the owner or the spouse of the owner, or both, has or have been assessed as the owner of residential real property in the municipality for a period of not less than one year, or for a period of not less than such other number of years up to five as the by-law may provide, immediately preceding the date of application for the credit.

3. The following conditions apply to a credit or refund authorized under section 2: Conditions

1. No credit or refund shall be allowed to an owner in respect of more residential real property than one single-family dwelling unit in any year.

2. No credit or refund shall be allowed to any person who has not made application therefor in the year in which the municipal taxes in respect of which the credit or refund is claimed become due and payable.

3. A credit shall be allowed for municipal taxes imposed on any real property only on payment of the remaining portion of such municipal taxes.

4. No refund shall be allowed for municipal taxes imposed on any real property in any year unless such municipal taxes have been paid in full in that year.

5. Where the municipal taxes payable by an owner in the year, before any credit or refund, are less than an amount equal to the sum of $150 plus the amount of the maximum grant that may be paid to the owner or his or her spouse under section 2 of the *Ontario Pensioners Property Tax Assistance Act*, the credit or refund shall be the amount by which such municipal taxes exceed the amount of such maximum grant. R.S.O. 1980, c. 352

4. Notwithstanding paragraph 4 of section 3, where the amount of an allowable credit of municipal taxes in any year is greater than the amount of the municipal taxes unpaid in that year, the difference between such amounts may be refunded and the unpaid portion may be allowed as a credit. Exception

5. A by-law passed under section 2 may, Additional powers

(a) provide for the continuation of the credits or refunds to the surviving spouse of a deceased person to whom a credit or refund was allowed, if the spouse otherwise qualifies for the credit or refund except for the qualification set out in clause 2 (c); and

(b) prescribe such regulations with respect to the administration of the by-law, not inconsistent with

this Act, as the council of the Corporation may consider proper.

Lien

6. The amount of any credit or refund allowed from time to time under a by-law passed under section 2 shall, on registration in the appropriate land registry office of a notice of lien, be a lien in favour of the Corporation on the real property in respect of which the credit or refund has been allowed.

Lien

7. The amount of the lien shall become due and be paid to the Corporation upon any change in ownership of the real property except,

(a) where the new owner is the spouse, brother or sister of the person to whom a credit or refund was allowed and is a person entitled to a credit or refund under a by-law passed under this section; or

(b) by way of a mortgage or charge other than a sale or foreclosure under the mortgage or charge.

Notice of lien and discharge of lien

8. Where a by-law passed under section 2 is in force, forthwith after a credit or refund has been allowed under the by-law for the first time in respect of any real property or for the first time after a lien under this section in respect of any real property has been discharged, a notice signed by the treasurer of the Corporation stating that a credit or refund has been allowed together with a description of the real property sufficient for registration shall be registered in the proper land registry office and, upon payment in full to the treasurer of the Corporation of the amount of all outstanding credits and refunds allowed in respect of the property, a certificate of the treasurer of the Corporation showing the payment shall be similarly registered and thereupon the lien in respect of the real property is discharged.

Commencement

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. The short title of this Act is the *City of Mississauga Act, 1987 (No. 2)*.

CHAPTER Pr9

An Act to revive Adona Properties Limited

Assented to June 29th, 1987

Preamble

Whereas Irwin Kallman and Jeffrey Sandelman represent that Adona Properties Limited, hereinafter called the Corporation, was incorporated by letters patent dated the 23rd day of October, 1970; that the Minister of Consumer and Commercial Relations by order dated the 19th day of December, 1979, and made under the authority of subsection 251 (3) of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, cancelled the certificate of incorporation of the Corporation for default in complying with *The Corporations Tax Act, 1972*, being chapter 143, and declared the Corporation to be dissolved on the 19th day of December, 1979; that the applicants are the beneficial owners of all the common shares of the Corporation; that the Corporation at the time of its dissolution owned certain assets and that it is desirable that the Corporation be revived in order to deal with the assets; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Revival

1. Adona Properties Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Adona Properties Limited Act, 1987.*

CHAPTER Pr10

An Act respecting Great Lakes Bible College

Assented to June 29th, 1987

Preamble

Whereas Great Lakes Christian College hereby represents that it was incorporated by letters patent in 1950 for the purpose of establishing, maintaining and operating Christian schools; and whereas Great Lakes Christian College has since that time provided courses of study leading to a high school certificate and has since 1969 provided courses of study leading to post-secondary certificates and diplomas in Bible and religious training; and whereas the applicant hereby applies for special legislation providing for the creation of a new post-secondary college having the power to grant degrees in the field of religious study; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1. In this Act,

"academic unit" means a faculty, college, institute, department or other academic division of the College so designated by the Board;

"Board" means the Board of Trustees of the College;

"College" means Great Lakes Bible College, as incorporated by this Act;

"faculty" means all persons employed by the College who hold the academic rank of professor, associate professor, lecturer or instructor;

"student" means a person who is registered as such in a program or course of study at the College that leads to a degree or diploma of the College.

College incorporated

2. The members of the Board from time to time are hereby constituted a body corporate under the name of "Great Lakes Bible College".

Objects

3. The objects of the College are,

(a) to promote religious welfare and Christian unity by teaching the principles of Jesus Christ as contained in the Bible; and

(b) to establish, maintain and operate a religious college, meetings, lectures, libraries and camps and to print, publish, sell and distribute literature pertaining thereto.

Composition of Board

4.—(1) The Board shall be composed of,

(a) fifteen persons elected by the members of the Church of Christ who are entitled to vote at the annual meeting for a term of three years; and

(b) not more than six additional persons appointed by the Board for a term of one year.

First Board

(2) Until the Board is reconstituted in accordance with subsection (1), the members of the Board shall be the persons named in the Schedule.

Staggered terms

(3) The Board shall by by-law provide for the election and retirement of the members to be elected under clause (1) (a) in rotation.

Qualifications

(4) No person shall be elected as a member of the Board under clause (1) (a) unless the person is a Canadian citizen or a permanent resident of Canada.

Re-election or re-appointment

(5) Members of the Board are eligible for re-election or re-appointment, as the case may be, except that no member of the Board shall serve more than three consecutive terms, but on the expiration of one year after having served the three consecutive terms, the person is again eligible for membership on the Board.

Idem

(6) The limit of three consecutive terms referred to in subsection (5) does not include service on the Board for the balance of an unexpired term for a person who becomes a member of the Board under subsection (7).

Vacancies

(7) If a vacancy on the Board occurs before the expiry of a term of office, the Board, in its sole discretion, shall determine if the vacancy is to be filled and, if so, the manner and procedure for so doing, and the person filling the vacancy shall serve for the balance of the unexpired term of the vacating member.

(8) Members of the Board shall serve without remuneration but may be reimbursed for reasonable expenses incurred by them in the performance of their duties as members of the Board. No remuneration

5. The government, conduct, management and control of the College and of its property, revenues, expenditures, business and affairs are vested in the Board and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the College including, without limiting the generality of the foregoing, the power, Powers

(a) to appoint the president of the College who shall be the chief academic officer and to define the duties and responsibilities of the president;

(b) to appoint, promote, grant tenure or leave to, suspend and remove members of the faculty and academic officers;

(c) to appoint committees and delegate thereto power and authority to act for the Board with respect to any matter or class of matters, but where power and authority to act for the Board are delegated to a committee, a majority of the members of the committee shall be members of the Board;

(d) to establish and collect fees and charges for tuition and for services of any kind offered by the College and collect fees and charges on behalf of any entity, organization or element of the College;

(e) to establish from time to time the membership year of the Board; and

(f) to enact by-laws respecting the doctrinal statement of the College.

6. The chairman of the Board shall preside at all meetings of the Board. Chairman

7. The Board shall appoint one or more public accountants licensed under the *Public Accountancy Act* to audit the accounts and transactions of the Board at least annually. Audit R.S.O. 1980, c. 405

8. The annual audited statement of the College shall be made available to all supporters of the College in such manner as the Board may determine. Annual report

Board to manage academic affairs

9. The Board shall manage the academic affairs of the College and shall have the power,

(a) to establish, change and terminate programs, courses of study and academic units;

(b) to determine standards of admission to the College and continued registration therein, and the qualifications for graduation;

(c) to determine all matters related to examinations and the appointment of examiners;

(d) to award fellowships, scholarships, bursaries, prizes and other marks of academic achievement; and

(e) to award diplomas, certificates and licentiates and to grant the degrees of Bachelor of Theology and Bachelor of Religious Education.

Open meeting

10.—(1) Subject to subsections (2) and (3), meetings of the Board shall be open to the public and prior notice of such meetings shall be given to the members of the Board and to the public in such manner as the Board shall determine and no person shall be excluded from a meeting except for improper conduct as determined by the Board.

Exception

(2) If matters confidential to the College are to be considered at a meeting of the Board, the part of the meeting concerning such matters may be held *in camera*.

Idem

(3) If a matter of a personal nature concerning an individual is to be considered at a meeting of the Board, the part of the meeting concerning the individual shall be held *in camera* unless there is a mutual agreement to the contrary by the Board and the individual.

By-laws, examination

11.—(1) The by-laws of the College shall be open to examination by the public during normal office hours of the College.

Idem, publication

(2) The College shall publish its by-laws from time to time in such manner as the Board considers proper.

Non-profit corporation

12. The College shall be carried on without the purpose of gain for the members of the Board and all profits or other accretions to the College shall be used in promoting its objects.

Dissolution

13. Upon the dissolution or winding up of the College and after the payment of all debts and liabilities, the remaining property of the College shall be distributed to or disposed of to a trust fund established by the Board to provide scholarships for students attending Christian schools or for the funding of Christian schools.

Commencement

14. This Act comes into force on the day it receives Royal Assent.

Short title

15. The short title of this Act is the *Great Lakes Bible College Act, 1987*.

SCHEDULE

First Board of Trustees of Great Lakes Bible College:

Douglas Tallman

Roy Williams

Ron Knight

Bethel Bailey

John Colyn

Max Craddock

Arthur Fleming

Valerie Lane

Wayne Page

Maurice Pickard

Malcolm Porter

John Smiley

Oliver Tallman

Charles Whitfield

CHAPTER Pr11

An Act respecting Hamilton Jewish Communal Projects

Assented to June 29th, 1987

Preamble

Whereas Hamilton Jewish Communal Projects, herein called the corporation, hereby represents that it was incorporated by letters patent dated the 9th day of March, 1949; that the object of the corporation is to maintain and conduct a community centre and to promote the best interests of the community generally, and, in furtherance of such objects, to provide programmes for junior and senior citizens, sheltered workshops and facilities for general social services; that the corporation is a registered charitable organization within the meaning of the *Income Tax Act* (Canada); that it is desirable that the real property of the corporation situated in the City of Hamilton be exempted or partially exempted from taxation for municipal and school purposes, other than local improvement rates; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

R.S.C. 1952, c. 148

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Tax exemption

1.—(1) The council of The Corporation of the City of Hamilton may pass by-laws exempting or partially exempting from taxes for municipal and school purposes, other than local improvement rates, the land as defined in the *Assessment Act*, occupied by the corporation, being the lands and premises described in the Schedule, so long as the land is owned, occupied and used solely for the purposes of the corporation.

R.S.O. 1980, c. 31

Conditions

(2) An exemption granted under subsection (1) may be subject to such conditions as may be set out in the by-law.

Deemed exemption

2. For the purposes of subsection 101 (9) of the *Regional Municipality of Hamilton-Wentworth Act*, the exemption from taxation granted under section 1 shall be deemed to be an exemption provided under section 3 of the *Assessment Act*.

R.S.O. 1980, c. 437

Retroactive by-law

3. A by-law passed under section 1 may be retroactive to the 1st day of January, 1986.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Hamilton Jewish Communal Projects Act, 1987*.

SCHEDULE

Those parcels of land and premises being as follows:

Firstly: in the City of Hamilton in The Regional Municipality of Hamilton-Wentworth (formerly in the County of Wentworth), and being composed of all of lots 27 and 28 on the north side of Delaware Avenue registered as Plan Number 225.

Secondly: in the City of Hamilton in The Regional Municipality of Hamilton-Wentworth (formerly in the County of Wentworth), and being composed of lots 29 and 30 on the west side of Argue Street (now Gladstone Avenue) registered as Plan Number 225.

Save and except therefrom the northerly thirty-three feet (33 feet) of Lot 30.

Thirdly: in the City of Hamilton in The Regional Municipality of Hamilton-Wentworth (formerly in the County of Wentworth), in the Province of Ontario, being composed of lots 23, 24, 25 and 26 fronting on Delaware Avenue (formerly known as Ida Street) registered as Plan Number 225.

CHAPTER Pr12

An Act to revive The Quetico Foundation

Assented to June 29th, 1987

Preamble

Whereas Frank W. Woods and L.C. Bonnycastle hereby represent that The Quetico Foundation, herein called the Corporation, was incorporated by letters patent dated the 5th day of October, 1954; that the Minister of Consumer and Commercial Relations by order dated the 17th day of July, 1979 and made under the authority of subsection 347 (9) of *The Corporations Act*, being chapter 89 of the Revised Statutes of Ontario, 1970, cancelled the letters patent of the Corporation for default in complying with section 5 of *The Corporations Information Act, 1976*, being chapter 66, and declared the Corporation to be dissolved on the 17th day of July, 1979; that the applicants were members of the Corporation at the time of its dissolution; that the default occurred by reason of inadvertence; that the notice of default, although sent to the registered office of the Corporation, was not received by the Corporation and the applicants were unaware of the dissolution of the Corporation until more than two years after the date thereof; that the function of the Corporation was to advise on the sound development, in the public interest, of the undeveloped portions of the lakeland and wilderness area sometimes known as the Quetico Area in Northwestern Ontario, and of other undeveloped lakeland and wilderness areas and other areas suitable for use as public parks or reserve within the Province of Ontario; that the Corporation at the time of its dissolution was performing that function and since that time that function has continued to be carried on in the name of the Corporation; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

The Quetico Foundation revived

1. The Quetico Foundation is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a corporation without share capital, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities

and debts as of the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Quetico Foundation Act, 1987*.

CHAPTER Pr13

An Act respecting Port Stanley Terminal Rail Incorporated

Assented to June 29th, 1987

Preamble

Whereas Port Stanley Terminal Rail Incorporated, herein called the Corporation, hereby represents that it was incorporated by certificate of incorporation dated the 17th day of November, 1982; that the Corporation, with the consent of the Ontario Municipal Board, has been operating an excursion train between Port Stanley and Union, both in the Province of Ontario; that the Corporation made application to the Ontario Municipal Board to extend its operations to St. Thomas in the Province of Ontario and during the proceedings there was doubt cast as to whether the Corporation could operate a railway without being incorporated by a special Act of the Legislature; and whereas the Corporation hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Deeming provision
R.S.O. 1980, c. 66
R.S.O. 1950, c. 331

1. Notwithstanding that Port Stanley Terminal Rail Incorporated was incorporated under the *Business Corporations Act*, it shall, for the purposes of *The Railways Act*, be deemed to be and to always have been incorporated by a special Act.

1982, c. 4 applies to corporate structure, procedures

2. Notwithstanding subsection 2 (2) of the *Business Corporations Act, 1982*, that Act applies to the Corporation in respect of its corporate structure and corporate procedures as if it were not operating a railway.

R.S.O. 1950, c. 331 applies to operation of railway

3. *The Railways Act* applies to the Corporation in respect of its operation of a railway.

Conditions for approval

4. The Ontario Municipal Board shall not approve an application by the Corporation under section 174 of *The Railways Act* unless the Ministry of Transportation and Communications certifies to the Board that the equipment, track and

operating procedures of the railway permit the railway to be operated in a safe manner.

Annual safety inspection and certificate

5. The Corporation shall annually provide to the Ontario Municipal Board a certificate from a qualified person stating that the facilities and operating procedures of the railway are in accordance with generally accepted railways practices and are sufficient to protect the safety of the public.

Costs

6. The cost of the inspection and certification required under section 4 or 5 shall be borne by the Corporation.

Powers of O.M.B. R.S.O. 1950, c. 331

7. Nothing in this Act shall be construed to derogate from the powers of the Ontario Municipal Board under *The Railways Act*.

Commencement

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. The short title of this Act is the *Port Stanley Terminal Rail Incorporated Act, 1987*.

CHAPTER Pr14

An Act respecting the Township of Chapleau

Assented to June 29th, 1987

Preamble

Whereas The Corporation of the Township of Chapleau, herein called the Corporation, hereby represents that it is desirable that it be given the power to acquire real property, or an interest therein, outside the Township of Chapleau for municipal purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to acquire interest in land outside township boundary

1. The Corporation may acquire by gift or purchase the real property, or an interest therein, located in the Township of Panet in the District of Sudbury and more particularly described in the Schedule, for municipal purposes, on such terms and conditions as the council of the Corporation considers appropriate.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Township of Chapleau Act, 1987*.

SCHEDULE

All that parcel or tract of land in the Township of Panet, in the Territorial District of Sudbury and Province of Ontario, containing by admeasurement 1.920 hectares, be the same more or less, being composed of that part of Lot 6, Concession I, in the said township, designated as Part 1 on a plan and field notes of Location RY 235 deposited in the Land Registry Office at Sudbury as Plan 53R-11206.

CHAPTER Pr15

An Act respecting the Town of Lindsay

Assented to June 29th, 1987

Preamble

Whereas The Corporation of the Town of Lindsay, herein called the Corporation, hereby represents that by deed dated the 25th day of September, 1925 and registered as instrument number 29355 in the land registry office for the Registry Division of the County of Victoria, William J. Carlisle and Alfred Johnson as trustees conveyed to the Corporation the lands described in the Schedule; that it was a term of the deed that the lands conveyed be held and maintained by the Corporation as a public park and horticultural garden; that the Corporation desires to use or lease the said lands for athletic purposes and there is some doubt as to whether the Corporation may do so under the terms of the deed; and whereas the Corporation applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1. In this Act,

"Park" means Kawartha Park in the Town of Lindsay as described in the Schedule hereto;

"trust deed" means the instrument registered as instrument number 29355 in the land registry office for the Registry Division of the County of Victoria.

Use of park
R.S.O. 1980, c. 417

2. Notwithstanding subsection 13 (5) of the *Public Parks Act* or any term or condition set out in the trust deed, the Park may be used for general public park purposes including athletic activities and sports.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Town of Lindsay Act, 1987*.

SCHEDULE

The land and premises in the Town of Lindsay in the County of Victoria composed of,

(a) the whole of Park Lots Numbers 9 and 10 west of Albert Street in the said Town of Lindsay, except the following parts:

Firstly: that portion of land conveyed to William Wendt by Edward Murphy by instrument number 1806, dated the 3rd day of April, 1873 and registered in the Registry Office for the County of Victoria on the 22nd day of April, 1873.

Secondly: that portion of land conveyed by Edward Murphy to James Frampton by instrument number 1805, dated the 3rd day of April, 1873 and registered as aforesaid on the 22nd day of April, 1873.

Thirdly: that portion of land conveyed by Edward Murphy to Thomas Wickham by instrument number 1807, dated the 3rd day of April, 1873 and registered as aforesaid on the 22nd day of April, 1873.

Fourthly: that portion of land conveyed by Terence Murphy and Patrick Murphy executors of Edward Murphy to Ann Leddy by instrument number 17453, dated the 31st day of January, 1913 and registered as aforesaid on the 5th day of March, 1913.

Fifthly: that portion of land conveyed by Terence Murphy to Annie Smitheram by instrument number 19338, dated the 29th day of December, 1916 and registered as aforesaid on the 28th day of February, 1917.

Sixthly: that portion of land conveyed by William J. Carlisle and Alfred Johnson to the Board of Education for the Town of Lindsay by instrument number 23462, dated the 7th day of April, 1925 and registered as aforesaid on the 6th day of August, 1925 in Book 63 for the Town of Lindsay; and

(b) part of Park Lot 10 west of Albert Street in the said Town of Lindsay described as follows:

Commencing at a point on the northerly limit of the said Lot 10 distant 283 feet 6 inches measured westerly along the said northern limit from the northeast angle of the said Lot; thence westerly along the northerly limit of the said Lot 140 feet, more or less, to a point equidistant from the easterly and westerly limits of the said Lot; thence southerly and parallel with the easterly limit of the said Lot 78 links, more or less, one-fifth of the whole breadth of said Park Lot; thence easterly and parallel with the northerly boundary of the said Lot 140 feet, more or less, to a point distant 283 feet 6 inches from the easterly limit of the said Lot; thence northerly and parallel to the easterly limit of the said Lot 78 links, more or less, to the point of commencement.

CHAPTER Pr16

An Act respecting Canadian Opera Company

Assented to June 29th, 1987

Preamble

Whereas Canadian Opera Company hereby represents that it was incorporated under the laws of Ontario by letters patent dated the 13th day of November, 1950; that Canadian Opera Company is a registered charitable organization within the meaning of the *Income Tax Act* (Canada); that Canadian Opera Company, on the 30th day of March, 1984, acquired a freehold interest in lands located in the City of Toronto and known municipally as 227 Front Street East, and took possession thereof on the 1st day of February, 1985; that the lands are used for public workshops, performances and other presentations, rehearsals, recording, storage and the creation of scenery and costumes; and whereas Canadian Opera Company hereby applies for special legislation to exempt the aforesaid real property, occupied and used by it in the City of Toronto from taxation for municipal and school purposes except for local improvement rates; and whereas it is expedient to grant the application;

R.S.C. 1952, c. 148

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Tax exemption

1.—(1) The council of The Corporation of the City of Toronto may pass by-laws exempting from taxes for municipal and school purposes, other than local improvement rates, the land, as defined in the *Assessment Act*, occupied by Canadian Opera Company and described in the Schedule, so long as the land is owned, occupied and used solely for the purposes of Canadian Opera Company.

R.S.O. 1980, c. 31

Conditions

(2) An exemption granted under subsection (1) may be subject to such conditions as may be set out in the by-law.

Deemed exemption

2. For the purposes of subsection 219 (8) of the *Municipality of Metropolitan Toronto Act*, an exemption from taxation granted under section 1 shall be deemed to be an exemption under section 3 of the *Assessment Act*.

R.S.O. 1980, cc. 314, 31

Retroactivity

3. A by-law passed under section 1 may be retroactive to the 1st day of February, 1985.

Reimbursement of taxes already paid

4.—(1) The council of The Corporation of the City of Toronto and the council of The Municipality of Metropolitan Toronto may by by-law reimburse Canadian Opera Company for taxes, or any portion thereof, paid in respect of the lands referred to in section 1 for the period commencing on the 1st day of February, 1985, and ending on the day that a by-law passed under section 1 comes into force.

Idem

(2) The Board of Education for the City of Toronto and The Metropolitan Toronto School Board may, by resolution, reimburse Canadian Opera Company for school taxes, or any portion thereof, paid in respect of the lands referred to in section 1 for the period commencing on the 1st day of February, 1985, and ending on the day that a by-law passed under section 1 comes into force.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. The short title of this Act is the *Canadian Opera Company Act, 1987*.

SCHEDULE

Firstly, the land and premises in the City of Toronto in The Municipality of Metropolitan Toronto being composed of all of lots 6, 7, 8, 9 and 10 on the south side of Front Street East according to a plan registered in the Land Registry Office for the Registry Division of Toronto (63) as No. D-277.

Secondly, the land and premises in the City of Toronto in The Municipality of Metropolitan Toronto being composed of lots 11, 12, 13 and 14 according to a plan registered in the Land Registry Office for the Registry Division of Toronto (63) as Number D-277 and part of the strip of land denominated by the letter "H" on a plan of the Town of York known as The Walks and Gardens and abstracted as part of a plan registered in the said Land Registry Office (63) as Number 5 A, the boundaries of the said parcel being described as follows:

Premising that all bearings herein are astronomic and are related to longitude 79° 30′ west.

Commencing at the northwesterly angle of the said Lot 11 being the point of intersection of the southerly limit of Front Street East with the existing westerly limit of the said Lot 11 as represented by the westerly face of the westerly wall of the brick building standing upon the lands herein described.

Thence north 72° 78′ 50″ east along the said southerly limit of Front Street being also in part along the northerly limits of the said lots 11, 12, 13 and 14, a distance of 211.54 feet, more or less, to the point of intersection thereof with the southwesterly limit of lands expropriated for the widening of Front Street and dedicated as public road by by-law No. 92-73 of The Corporation of the City of Toronto;

Thence south 67° 39′ east along the last mentioned southwesterly limit a distance of 14.79 feet to an angle therein;

Thence south 56° 36′ 30″ east continuing along the last mentioned southwesterly limit a distance of 13.53 feet, more or less, to the point of intersection with the westerly limit of Berkeley Street;

Thence south 17° 13′ 10″ east along the said westerly limit of Berkeley Street a distance of 100.00 feet, more or less, to the northerly limit of a lane 15.00 feet in width;

Thence south 72° 28′ 50″ west along the said northerly limit of land being also in part along the southerly limits of lots 14, 13, 12 and 11, a distance of 232.00 feet, more or less, to the southwesterly angle of the said Lot 11;

Thence north 17° 00′ 00″ west along the westerly limit of the said Lot 11, a distance of 120.00 feet, more or less, to the said point of commencement.

Together with the use of a lane in common with others 15 feet wide in rear of said property with exit to Princess Street.

CHAPTER Pr17

An Act respecting the City of Barrie

Assented to June 29th, 1987

Preamble

Whereas The Corporation of the City of Barrie, herein called the Corporation, hereby represents that as a result of a tornado which passed through the City of Barrie on the 31st day of May, 1985, extensive damage occurred in areas of the City; that the Corporation arranged for sanitary sewers and water mains to be installed to the damaged areas; that the Corporation wishes to recover a portion of the costs of the installation from the owners of land who were not victims of the tornado but who derived a benefit from such installation; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Conditions for connection of sanitary sewers, water mains

1.—(1) If sanitary sewers or water mains have been installed or constructed,

(a) after the 30th day of May, 1985 at a cost, in whole or in part, to the Corporation or the Public Utilities Commission of the City of Barrie; and

(b) in, upon, over or under the highways, lands or easements owned by the Corporation in the area set out in the Schedule,

the Corporation or the Public Utilities Commission of the City of Barrie may, in respect of any land whose owner would benefit therefrom, refuse to connect or prohibit the connection or use of the said works until the share of the costs attributable to such land, as assessed by the Corporation, has been paid to the Corporation or the Public Utilities Commission of the City of Barrie.

Interest may be charged

(2) The costs of a work under subsection (1) may include interest calculated from the date of completion at a rate not to exceed the highest prime rate quoted on the day that the work was completed.

Definition

1980-81, c. 40 (Can.)

(3) In subsection (2), "prime rate" means the lowest rate of interest quoted by a chartered bank, named in Schedule A to the *Bank Act* (Canada), to its most credit-worthy borrowers for prime business loans.

Restriction

R.S.O. 1980, c. 302

(4) A by-law passed by the council of the Corporation prior to the coming into force of this Act under section 219 of the *Municipal Act* or a predecessor thereof does not apply to the owner of a building on land against which a share of the costs has been assessed under subsection (1).

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *City of Barrie Act, 1987*.

SCHEDULE

SANITARY SEWERS

Patterson Road

From Morrow Road, a distance of approximately 385 metres south and terminating at approximately the middle of the lot known as 152 Patterson Road.

Patterson Place

From Patterson Road to Crawford Street, a distance of approximately 150 metres.

Crawford Street

From Patterson Place, a distance of approximately 125 metres south and terminating in front of the north end of house number 258.

WATER MAINS

Patterson Road

From Morrow Road to Ardagh Road, a distance of approximately 775 metres, terminating on the northside of Ardagh Road.

Patterson Place

From Patterson Road to Crawford Street, a distance of approximately 150 metres.

Crawford Street

From Alva Street to Ardagh Road, a distance of approximately 830 metres, terminating on the north side of Ardagh Road.

Ardagh Road

From Patterson Road to Crawford Street, a distance of approximately 150 metres.

CHAPTER Pr18

An Act respecting the City of London

Assented to June 29th, 1987

Preamble

Whereas The Corporation of the City of London, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1. In this Act,

"abatement agreement" means an agreement made under subsection 2 (1);

"abatement order" means an order made under subsection 4 (1);

"city clerk" means the clerk of the Corporation;

"council" means the council of the Corporation;

"land" means real property;

"officer" means an officer appointed under subsection 3 (1);

"owner" means the person registered on title in the proper land registry office as owner.

Abatement agreement

2.—(1) The Corporation and the owner of any land within the City of London may enter into an agreement respecting abatement measures to reduce or eliminate the hazard from methane gas in or upon the land.

Registration of agreement

(2) An abatement agreement entered into under subsection (1) may be registered against the land to which it applies.

Registered agreement to run with land

R.S.O. 1980, cc. 230, 445

(3) A registered abatement agreement shall be deemed to be a covenant running with the land and, subject to the *Land Titles Act* and the *Registry Act*, the Corporation may

enforce the provisions thereof against the owner and any person acquiring any interest in the land subsequent to the registration thereof.

Amendment of agreement

(4) The Corporation and the owner of land to which an abatement agreement applies, whether or not the abatement agreement is registered against the land, may amend the abatement agreement by one or more supplementary agreements and this Act applies with necessary modifications to supplementary agreements.

Discharge of agreement

(5) The Corporation may discharge or release an abatement agreement and, where the abatement agreement is registered, the city clerk shall register a certificate of its discharge.

Appointment of officer

3.—(1) The council may by by-law appoint an officer of the Corporation, identified in the by-law either by name or position, for the purposes of this Act.

Inspection

(2) Subject to subsection (3), an officer and any person acting under the instruction of an officer may, at all reasonable times and upon producing proper identification, enter and inspect any land for a hazard from methane gas.

Entry into dwelling house

(3) Except under the authority of a warrant issued under section 16, an officer or any person acting under the instructions of an officer shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a warrant.

Abatement order

4.—(1) Subject to subsection (2), an officer may make an order respecting abatement measures where the officer is of the opinion, upon reasonable and probable grounds,

(a) that a hazard from methane gas exists in or upon any land; and

(b) that the actions specified in the order are necessary in order to reduce or eliminate the hazard from methane gas in or upon the land.

Condition precedent to order

(2) An officer who proposes to make an abatement order shall serve notice of the proposed abatement order, together with written reasons therefor, in the manner specified in subsection (4), and shall not make the abatement order until fifteen days after the service of the notice.

Submissions to municipal officer

(3) The person to whom the officer proposes to direct the abatement order may make submissions to the officer at any time before the abatement order is made.

Service of abatement order

(4) An abatement order shall be directed to and served upon the owner of the property and, if the land is not occupied by the owner, the abatement order may, in the discretion of the officer, be directed to and served upon the occupier or upon the person who has the care or management of the land.

Contents of order

(5) An abatement order,

(a) may require the installation and proper maintenance of such safeguards as the officer considers appropriate, including but not limited to, gas ventilators, gas detectors, and alarm or other warning devices;

(b) may require the vacating of the property or a specified part of the property until the safeguards are installed and operating properly;

(c) may specify the time when or the period of time within which the person to whom the abatement order is directed must comply with the abatement order;

(d) shall include written reasons for the abatement order; and

(e) shall inform the person to whom it is directed that the person is entitled to make oral or written submissions to council, or a committee thereof, if written notice of the intention to make submissions is mailed or delivered to the officer and the city clerk within fifteen days after the abatement order is served on such person.

Order deemed confirmed

(6) The abatement order shall be deemed to have been confirmed upon the expiration of the fifteenth day following service of the abatement order unless notice has been given under clause (5) (e).

Supplementary order

5.—(1) An officer may by supplementary order amend, cancel or reconfirm an abatement order and this Act applies with necessary modifications to a supplementary order.

Idem

(2) Subsections 4 (2) and (3) do not apply,

(a) if the officer proposes to make a supplementary order cancelling an abatement order; or

(b) if the officer proposes to make a supplementary order amending or reconfirming an abatement order and the person to whom the abatement order was directed consents to the supplementary order.

Request to amend or cancel abatement order

6. The owner, occupier or the person who has the care and management of land to which an abatement order applies may serve the officer with a written request, together with reasons therefor, to amend or cancel the abatement order and, if the officer fails to make a supplementary order within thirty days after the service of the request, the officer shall be deemed to have refused the request and to have made a supplementary order reconfirming the abatement order.

Authority of council

7.—(1) If a person gives notice in writing under clause 4 (5) (e), the council shall afford such person an opportunity to make oral and written submissions to the council and council may by resolution confirm, vary or cancel the whole or any part of the abatement order.

Authority of committee

(2) As an alternative to the requirement set out in subsection (1), the council may provide by by-law for a committee of the council to receive oral and written submissions from a person to whom an abatement order is directed and, upon receiving the submissions, the committee shall, as soon as practicable, make a written report to the council and council, after considering the report, may by resolution confirm, vary or cancel the whole or any part of the abatement order.

Further submissions

(3) The council may require the committee to receive further oral and written submissions on the whole or any part of the abatement order before the council decides to confirm, vary or cancel the abatement order.

Proceeding in the absence of submissions

(4) If a person gives notice in writing under clause 4 (5) (e) but does not make any submissions when afforded an opportunity to do so, the council and its committee may proceed under this Act in the absence of submissions by that person.

Service of council's decision

(5) A decision of council confirming, varying or cancelling the abatement order shall be directed to and served upon the owner of the property and, if the land is not occupied by the owner, may, in the discretion of council, be directed to and served upon the occupier or upon the person who has the care or management of the land.

Appeal to court

8.—(1) A person who has given notice in writing under clause 4 (5) (e) may appeal the decision of council to the District Court within fifteen days from the service of the decision of council on that person.

Powers of court on appeal

(2) An appeal under subsection (1) may be made on questions of law or fact or both and,

(a) the court may confirm, vary or revoke the decision of the council; or

(b) the court may refer the matter back to council with such directions as the court considers proper.

When decision of council not subject to appeal

(3) A decision of the council made upon a reference under clause (2) (b) is not subject to appeal and is not subject to clause 9 (c).

When abatement order operative and binding

9. The operation of an abatement order is stayed and is not binding upon the person to whom it is directed,

(a) until the expiration of the fifteenth day following service of the abatement order on such person where the abatement order is deemed to have been confirmed under subsection 4 (6);

(b) until the expiration of the fifteenth day following service of the decision of the council on such person where the abatement order is confirmed or varied in whole or in part by the council under subsection 7 (1) or 7 (2) and where no appeal to the District Court is made within the intervening period under subsection 8 (1);

(c) until the judgment of the District Court where the abatement order is confirmed or varied by the court on appeal; or

(d) until the service upon such person of a decision of the council made upon a reference under clause 8 (2) (b).

Registration of abatement order

10.—(1) An abatement order, as deemed to have been confirmed under subsection 4 (6), as confirmed or varied by the council under subsection 7 (1) or 7 (2) or, as confirmed or varied by the court under clause 8 (2) (a), may be registered against the land to which it applies.

Registered abatement order to run with land

R.S.O. 1980, cc. 230, 445

(2) A registered abatement order shall be deemed to be a covenant running with the land and, subject to the *Land Titles*

Act and the *Registry Act*, the Corporation may enforce the provisions thereof against the owner and any person acquiring any interest in the land subsequent to the registration thereof.

Discharge of abatement order

(3) Where an abatement order is registered and the requirements of the abatement order are satisfied, the city clerk shall register a certificate of its discharge.

By-laws re: grants or loans for safeguards R.S.O. 1980, c. 302

11.—(1) Notwithstanding section 112 of the *Municipal Act*, the council may pass by-laws for providing for the making of grants or loans to the owner of land to which an abatement agreement or abatement order applies to pay for the whole or any part of the cost of any actions or safeguards specified or required in the abatement agreement or abatement order.

Content of by-law

(2) A by-law passed under subsection (1) may,

(a) determine the rate of interest on any loans and the repayment thereof;

(b) fix the period over which the loans shall be repaid to the Corporation; and

(c) prescribe such terms and conditions to the making of the grants or loans as the council considers appropriate.

Lien on land

12.—(1) A certificate signed by the city clerk setting out the amount loaned to any owner under a by-law passed under section 11 and any relevant provision relating thereto, together with a description of the land in respect of which the loan has been made, sufficient for registration, shall be registered against the land and thereupon the amount and interest shall be a lien or charge upon the land.

Discharge of lien or charge

(2) Upon repayment in full to the Corporation of the amount loaned and interest thereon, a certificate signed by the city clerk showing the repayment shall be registered against the land and thereupon the lien or charge is discharged.

Loans collected as taxes

13. The unpaid amount of any loan made under a by-law passed under section 11 and any accrued and unpaid interest may be added by the city clerk to the collector's roll and collected in like manner as municipal taxes over a period fixed by council.

Power of Corporation to do work

14.—(1) If the council is of the opinion that an abatement agreement or abatement order is not being complied with or is

not likely to be complied with promptly, the Corporation, in addition to all other remedies,

(a) has the right to take any action specified in the abatement agreement or abatement order and for this purpose to enter in and upon the land from time to time with its employees and agents; and

(b) is not liable to compensate the owner, occupant, any person to whom the abatement order is directed or any person having an interest in the land by reason of anything done by or on behalf of the Corporation under this subsection.

Recovery of expenses

(2) The amount of the expenses incurred by the Corporation under subsection (1),

(a) may be recovered from the owner or the occupant, or both, of the land, with costs, by the Corporation in a court of competent jurisdiction; or

(b) if not paid within sixty days after a demand to the owner or occupant for payment, may be entered by the city clerk in the collector's roll and collected in the same manner as municipal taxes.

Lien on land

(3) Where the amount of the expenses is entered in the collector's roll under clause (2) (b), a certificate signed by the city clerk setting out the amount together with a description of the land to which the expenses relate, sufficient for registration, shall be registered against the land and thereupon the amount and interest thereon shall be a lien or charge upon the land.

Discharge of lien or charge

(4) Upon payment in full to the Corporation of the amount and interest thereon, a certificate of the city clerk showing the payment shall similarly be registered against the land and thereupon the lien or charge is discharged.

Recovery by occupier

(5) Where an amount recovered by the Corporation under this section from an occupier of land is, between the occupier and the owner of the land, the responsibility of the owner, the occupier is entitled to recover the amount from any other amount due from the occupier to the owner.

Recovery by owner

(6) Where an amount recovered by the Corporation under this section from an owner of land is, between the owner and the occupier of the land, the responsibility of the occupier, the owner is entitled to recover the amount from the occupier or

to add the amount to any other amount due from the occupier to the owner.

Deleting registrations

15. Where an instrument has been registered,

(a) discharging an abatement agreement under subsection 2 (5);

(b) discharging an abatement order under subsection 10 (3);

(c) discharging a lien or charge in respect of a loan under subsection 12 (2); or

(d) discharging a lien in respect of expenses under subsection 14 (4),

the land described in the discharging instrument is not affected by the discharged instrument and the land registrar may delete the entry of the discharge instrument in the abstract index or register of the land described.

Issue of warrant

16. Where refusal or resistance is made or is likely to be made,

(a) to an officer, or any person acting upon the instructions of an officer, in respect of an entry and inspection; or

(b) to an agent or employee of the Corporation who is taking any action specified in an abatement agreement or abatement order,

application may be made to a justice of the peace for a warrant under this Act with or without notice to and in the presence or absence of the owner or person to whom an abatement order is directed, and the justice of the peace may issue a warrant directing the sheriff or any other person whom the justice of the peace considers suitable to put down the refusal or resistance to entry or to taking any action specified in the abatement agreement or abatement order.

Service

17.—(1) Any notice, order, resolution or other document required to be given or served under this Act is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address appearing on the records of the Corporation.

Idem

(2) Service by registered mail shall be deemed to be made on the fifth day after the day of mailing.

Substituted service

(3) If service cannot be effected under subsection (1), the notice, order, resolution or other document may be posted in a conspicuous place on the land affected by the order and by so posting the notice, order, resolution or other document is sufficiently given or served.

Extension or abridgement of prescribed time

18. A time prescribed by this Act for serving, delivering or giving any document, notice, order, reasons, decision, request, submission, resolution or by-law may be extended before or after the expiration of the time prescribed or may be abridged,

(a) by consent in writing; or

(b) by an order of the District Court obtained on motion.

Immunity from actions

19.—(1) No action or other proceedings for damages or otherwise lies or shall be instituted against an officer or any person acting under the instructions of an officer or against an employee or agent of the Corporation for any act done in good faith in the execution or intended execution of any duty or authority under this Act or for any alleged neglect or default in the execution in good faith of any such duty or authority.

Corporation not relieved of liability

(2) Subsection (1) does not relieve the Corporation of liability in respect of a tort committed by an officer or any person acting under the instructions of an officer or by an employee or agent of the Corporation to which the Corporation would otherwise be subject and the Corporation is liable for any such tort as if subsection (1) were not enacted.

Offence

20. Every person who fails to comply with a provision of an abatement order is guilty of an offence and on conviction is liable to a fine of not more than $2,000 for every day such offence occurs or continues.

Power to restrain by order when conviction entered

21. Where an abatement order is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed under section 20, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

Power to restrain by action

22. Where an abatement agreement is breached or an abatement order is contravened, in addition to any other rem-

edy and to any penalty imposed under section 20, such contravention may be restrained by action at the instance of the Corporation.

Commencement

23. This Act comes into force on the day it receives Royal Assent.

Short title

24. The short title of this Act is the *City of London Act, 1987*.

CHAPTER Pr19

An Act respecting the City of Toronto

Assented to June 29th, 1987

Preamble

Whereas The Corporation of the City of Toronto, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1. In this Act,

"building permit" means a building permit issued under section 6 of the *Building Code Act*; R.S.O. 1980, c. 51

"council" means the council of the Corporation;

"designated property" means designated property as defined in clause 26 (a) of the *Ontario Heritage Act*; R.S.O. 1980, c. 337

"heritage conservation district" means an area designated as such under section 41 of the *Ontario Heritage Act*;

"owner" means the person registered on title in the proper land registry office as owner.

Application in respect of designated properties

2.—(1) Notwithstanding section 34 of the *Ontario Heritage Act*, in considering an application under subsection 34 (1) of that Act to demolish or remove any building or structure on a designated property, the council may refuse the application and prohibit any work being done to demolish or remove the building or structure.

Notice of decision

(2) The council shall within ninety days of receipt of the completed application or such longer period as is mutually agreed upon by the applicant and the council,

(a) give notice of its decision under subsection (1) to the owner and to the Ontario Heritage Foundation; and

(b) publish its decision in a newspaper having general circulation in the municipality,

and where the council fails to notify the owner under clause (a), it shall be deemed to have consented to the application.

Requirements for demolition R.S.O. 1980, c. 337

(3) Notwithstanding subsection 34 (4) of the *Ontario Heritage Act*, where the council has under subsection (1) refused an application under subsection 34 (1) of the *Ontario Heritage Act*, the owner of the property shall not demolish or remove the building or structure or do any work or cause or permit any work to be done in the demolition or removal of the building or structure unless,

(a) the owner has obtained a building permit to erect a new building on the site of the building or structure sought to be demolished or removed; and

(b) 180 days have elapsed from the date of the decision of the council under subsection (1).

Idem, transitional

(4) Notwithstanding subsection 34 (4) of the *Ontario Heritage Act*, where the council has, prior to the coming into force of this Act, refused an application and prohibited any work to demolish or remove any building or structure on a property for the period of time provided for under clause 34 (2) (b) of that Act, the owner of the property shall not do any work or cause or permit any work to be done after the date this Act comes into force to demolish or remove the building or structure unless,

(a) the owner has obtained a building permit to erect a new building on the site of the building or structure sought to be demolished or removed; and

(b) 180 days have elapsed from the date of the refusal by the council of the application under clause 34 (2) (b) of that Act.

Subs. (4) applies notwithstanding work commenced

(5) Subsection (4) applies notwithstanding that any work may have been commenced on the demolition or removal of a building or structure prior to the coming into force of this Act.

Requirement respecting new building R.S.O. 1980, c. 337

(6) An owner who is refused by the council under subsection (1) or, if prior to the coming into force of this Act, under clause 34 (2) (b) of the *Ontario Heritage Act*, and who subsequently demolishes or removes or causes or permits to be demolished or removed the building or structure in accordance with subsection (3) or (4) shall, within two years of the

commencement of the demolition or removal, substantially complete the new building to be erected on the site.

Application respecting buildings in heritage conservation districts R.S.O. 1980, c. 337

3.—(1) Notwithstanding sections 42 and 43 and subsection 44 (2) of the *Ontario Heritage Act*, in considering an application under section 43 of that Act to demolish or remove a building or structure within a heritage conservation district, the council may refuse the application and prohibit any work from being done to demolish or remove the building or structure.

Notice of decision

(2) Council shall within ninety days of receipt of the completed application or such longer period as is mutually agreed upon by the applicant and the council give notice of its decision under subsection (1) to the owner and where council fails to so notify the owner it shall be deemed to have consented to the application.

Requirements for demolition R.S.O. 1980, c. 337

(3) Notwithstanding clause 42 (c) and subsection 44 (2) of the *Ontario Heritage Act*, where council has under subsection (1) refused an application under section 43 of the *Ontario Heritage Act* and prohibited any work from being done to demolish or remove a building or structure, no person shall demolish or remove the building or structure or do or cause any work to be done in the demolition or removal of the building or structure unless,

(a) the person has obtained a building permit to erect a new building on the site of the building or structure sought to be demolished or removed; and

(b) 180 days have elapsed from the date of the decision of the council under subsection (1).

Idem, transitional

(4) Notwithstanding section 42 and subsection 44 (2) of the *Ontario Heritage Act*, where the council has, prior to the coming into force of this Act, refused an application under subsection 43 (2) of that Act, no person shall do any work or cause any work to be done after the date this Act comes into force to demolish or remove the building or structure unless,

(a) the person has obtained a building permit to erect a new building on the site of the building or structure sought to be demolished or removed; and

(b) 180 days have elapsed from the date of the refusal by the council of the application under subsection 43 (2) of that Act.

Subs. (4) applies notwithstanding work commenced

(5) Subsection (4) applies notwithstanding that any work may have been commenced on the demolition or removal of a building or structure prior to the coming into force of this Act.

Requirement respecting new building R.S.O. 1980, c. 337

(6) A person who is refused by the council under subsection (1) or, if prior to the coming into force of this Act, under subsection 43 (2) of the *Ontario Heritage Act*, and who subsequently demolishes or removes or causes or permits to be demolished or removed the building or structure in accordance with subsection (3) or (4) shall within two years of the commencement of the demolition or removal substantially complete the new building to be erected on the site.

Relief from time restriction

4.—(1) Where a person who has been refused by the council under subsection 2 (1) or 3 (1) of this Act, or under clause 34 (2) (b) or subsection 43 (2) of the *Ontario Heritage Act*,

(a) considers that it is not possible to complete a new building within the two year period specified in subsection 2 (6) or 3 (6); or

(b) considers that the construction of a new building has become not feasible on economic or other grounds,

that person may apply to the council for relief from the requirement imposed by subsection 2 (6) or 3 (6) by sending notice of application by registered mail to the clerk of the Corporation not less than forty-five days before the expiry of the two year period within which the new building is to be substantially completed.

Idem

(2) Where the council extends the time under section 5 for completion of the new building and the applicant considers that,

(a) it is not possible to complete a new building in the extended time; or

(b) the construction of a new building has become not feasible on economic or other grounds,

application may be made for relief from the extended completion time by sending notice of application not less than ninety days before the expiry of the extended completion time.

Council may grant relief

5.—(1) The council shall consider an application under section 4 and may,

(a) extend the time for completion of the new building; or

(b) relieve the applicant from the requirement of constructing the new building.

Where time extended

(2) If time is extended under clause (1) (a), the applicant shall complete the new building within the extended time.

Where relief granted

(3) If relief is granted under clause (1) (b), the applicant shall thereafter be deemed not to have contravened the provisions of this Act by failing to substantially complete the new building.

Appeal to O.M.B.

6.—(1) Any person who has made application under section 4 may appeal to the Ontario Municipal Board,

(a) from the decision of the council; or

(b) from the refusal or neglect of council to make a decision thereon within thirty days after the receipt by the clerk of the application.

Idem

(2) An appeal under subsection (1) shall be made within twenty days of the mailing of the notice of decision or after the expiration of the thirty day period set out in clause (1) (b) and the Board shall hear the appeal and the Board on the appeal has the same powers as the council has under section 5.

Board's decision final

(3) The decision of the Board is final.

Extension of time

(4) Where an appeal has been made to the Board under subsection (1), the two year period within which the new building is to be substantially completed shall be deemed to be extended to the date of the Board's decision.

Dismissal of appeal

(5) Where the Board dismisses an appeal from a decision of council under subsection (1) the Board may extend the time for completing the new building for such further period as the Board considers reasonable and the decision of the Board is final.

Requirement where time extended

(6) Where the Board has extended the time for completion of the new building under subsection (2) or (5) the applicant shall substantially complete the new building within the extended time.

Service

7.—(1) Any notice required to be given, delivered or served under this section is sufficiently given, delivered or

served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at his or her last known address.

Idem

(2) Where service is made by mail, the service shall be deemed to be made on the seventh day after the day of mailing unless the person on whom service is being made establishes that he or she, acting in good faith, did not through absence, accident, illness or other cause beyond his or her control receive the notice until a later date.

Publication

(3) Any notice required to be published in a newspaper having general circulation in the municipality shall be published in that newspaper once for each of three consecutive weeks.

Offence

8.—(1) Subject to subsection (2), every person who knowingly furnishes false information in any application under this Act or in any statement, report or return furnished under this Act and every director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on conviction is liable to a fine of not more than $10,000 or to imprisonment for a term of not more than one year, or to both.

Offence, corporations

(2) Where a corporation is convicted of an offence under subsection (1), the maximum penalty that may be imposed upon the corporation is $50,000 and not as provided therein.

Offence

(3) Every person who on designated property or within a heritage conservation district demolishes or removes any building or structure or part thereof or who does any work or causes or permits any work to be done in the demolition or removal of any building or structure or part thereof without that person first obtaining the consent of the council and every director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on conviction is liable to a fine of not more than $1,000,000 or to imprisonment for a term of not more than one year, or to both.

Idem

(4) Every owner who,

(a) contravenes subsection 2 (3) or (4); or

(b) has an obligation to erect a new building under subsection 2 (6) and who fails to substantially complete the new building within the required two year time period or within the time period extended under

subsection 6 (4) or within the extended time period granted under clause 5 (1) (a) or subsection 6 (5),

and every director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on conviction is liable to a fine of not more than $1,000,000 or to imprisonment for a term of not more than one year, or to both.

Idem

(5) Every person who,

(a) contravenes subsection 3 (3) or (4); or

(b) has an obligation to erect a new building under subsection 3 (6) and who fails to substantially complete the new building within the required two year time period or within the time period extended under subsection 6 (4) or within the extended time period granted under clause 5 (1) (a) or subsection 6 (5),

and every director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on conviction is liable to a fine of not more than $1,000,000 or to imprisonment for a term of not more than one year, or to both.

Commencement

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. The short title of this Act is the *City of Toronto Act, 1987 (No. 2)*.

CHAPTER Pr20

An Act respecting the Institute of Municipal Assessors of Ontario

Assented to June 29th, 1987

Preamble

Whereas the Institute of Municipal Assessors of Ontario hereby represents that it was incorporated under the laws of Ontario by letters patent dated the 27th day of May, 1957; that the Institute is desirous of being continued as a corporation for the purpose of carrying out the objects of the Institute and of the government and discipline of its members; that the Institute considers it desirable to grant to members of the Institute the exclusive right to use the designations "Member Institute of Municipal Assessors" and the abbreviation thereof, "M.I.M.A.", and certain variations thereof as set out in section 7; and whereas the Institute hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1. In this Act,

"board" means the board of directors of the Institute;

"Institute" means the Institute of Municipal Assessors of Ontario;

"registered" means registered as a member under this Act and "registration" has a corresponding meaning;

"registrar" means the registrar of the Institute.

Institute continued

2.—(1) The corporation known as the Institute of Municipal Assessors of Ontario is hereby continued as a corporation without share capital and the persons registered as members of the Institute on the day this Act comes into force and such other persons as hereafter become members of the Institute constitute the corporation.

Board continued

(2) The members of the board and the officers of the Institute in office immediately before the coming into force of this Act are hereby continued in office until their successors are elected or appointed in accordance with this Act and the by-laws of the Institute.

Letters patent revoked

(3) The letters patent of the Institute are revoked, but the revocation does not affect the rights or obligations of the Institute or any by-law, resolution or appointment of the Institute except to the extent that the by-law, resolution or appointment is inconsistent with this Act.

Special Act incorporation

(4) The Institute shall be deemed to be a corporation incorporated by a special Act.

Objects

3. The objects of the Institute are,

(a) to strive for, establish and maintain standards of competence in real property valuation, primarily in municipal assessment;

(b) to foster and support intellectual interchange in matters of real property valuation and assessment by collecting, publishing and distributing papers and articles and by holding conferences and seminars;

(c) to encourage and support scholarship by establishing, maintaining and conducting programs of instruction in real property valuation and municipal assessment and to provide formal training and educational facilities;

(d) to establish funds, scholarships, bursaries and grants in aid for support or recognition of scholars, students, teachers, educational institutions, and other persons and organizations engaged in real property valuation and municipal assessment and to provide for the administration, management and investment of money held for such purposes;

(e) to establish standards of competency and to hold examinations and prescribe tests for admission to membership and provide for the classification of membership in the Institute and levels of accreditation related to competence and experience;

(f) to enter into agreements and co-operate with other institutions with similar objectives; and

(g) to maintain discipline among members and students and to impose sanctions including the withdrawal or suspension of accreditation in the Institute.

Board of directors

4.—(1) The affairs of the Institute shall be managed by a board of directors.

Composition

(2) The board shall be made up of not fewer than ten or more than thirty-five members of the Institute, as the board may determine by by-law, and shall consist of,

(a) the immediate past president of the Institute, *ex officio*;

(b) the president, first vice-president, second vice-president and third vice-president elected by and from the total membership of the Institute; and

(c) one person elected by and from the membership of each geographical district established by the board.

Election of board members

(3) The manner of electing the members of the board, the notification to the electors of the time and place of holding elections, the nomination of candidates, the presiding officers at elections, the taking and counting of votes, the giving of a casting vote in the case of an equality of votes and other necessary details shall be set out in the by-laws of the Institute.

Term

(4) The Institute may by by-law establish the term of office of the members of the board, not exceeding two years, and may provide for the election and retirement of the members in rotation.

Quorum

(5) At any meeting of the board, a majority of the members of the board constitutes a quorum.

Offices

(6) The board shall appoint a secretary, a treasurer and a registrar, none of whom need be directors and one person may hold more than one of the offices.

Idem

(7) The board may appoint such other persons as are necessary to perform the work of the Institute.

Vacancies

(8) In the case of the death, resignation or incapacity of any member of the board, the office shall be declared vacant by the board and the board shall fill the vacancy in such manner as may be provided by the by-laws of the Institute for the balance of the term.

Registrar

(9) The registrar shall perform the functions assigned to the registrar by this Act and such other duties as may be assigned to the registrar by the board.

By-laws

5.—(1) The board may pass by-laws regarding such matters as are necessary to conduct the business and carry out the objects of the Institute and, without restricting the generality of the foregoing, the board may pass by-laws,

(a) establishing the qualifications for and conditions of registration for members;

(b) establishing a curriculum and courses of study to be pursued by students and members and the subjects upon which students and members of the Institute shall be examined and for granting certificates to students and candidates who have successfully passed the examinations;

(c) regulating and governing the conduct of members of the Institute in the practice of their business, vocation or profession, by prescribing a code of ethics, rules of professional conduct and standards of practice, and by providing for the suspension, expulsion or other penalty for professional misconduct, incapacity or incompetence;

(d) prescribing fees payable to the Institute;

(e) governing the calling, holding and conducting of meetings of the board and of the members of the Institute;

(f) authorizing the spending of funds and making of grants for the promotion of its objects;

(g) to provide for the establishment of defined geographical districts within which the members resident or employed therein shall be entitled to elect a member to serve on the board as a director;

(h) to provide for the nomination and the election of officers and directors by mail;

(i) to provide for the protection and indemnity of directors, officers and officials acting for the benefit of and on behalf of the Institute; and

(j) to implement any matter authorized by the objects of the Institute.

Confirmation of by-law

(2) A by-law passed under subsection (1) and a repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the members duly called for that purpose, is effective only until the next annual meeting of the members unless confirmed thereat, and, in default of confirmation thereat, ceases to have effect at and from that time, and in that case no new by-law of the same or like substance has any effect until confirmed at a general meeting of the members.

Membership in Institute

6.—(1) The Institute shall grant a membership in the Institute to any individual who applies therefor in accordance with the by-laws, if the individual,

(a) is not less than eighteen years of age;

(b) has complied with the academic and experience requirements specified in the by-laws of the Institute for the issuance of membership; and

(c) has obtained such qualifications as the board may set or approve in accordance with the by-laws of the Institute.

Register

(2) The registrar shall keep a register in which shall be entered the names of all members of the Institute in good standing and only those persons so registered are members entitled to the privileges of membership in the Institute.

Inspection of register

(3) The register shall be open to examination by the public at the head office of the Institute during normal office hours.

Appeal

(4) Any person who has been refused membership or who has been subject to a disciplinary sanction under the by-laws of the Institute may appeal to the Divisional Court, in accordance with the rules of the court, from the refusal or from the sanction.

Certified copy of record

(5) Upon the request of a party desiring to appeal to the Divisional Court and upon payment of a reasonable fee therefor, the registrar shall furnish the party with a certified copy of the record of the proceedings, including the documents received in evidence and the decision or order appealed from.

Powers of court on appeal

(6) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the board appealed from and may exercise all powers of the board and may direct the board to take any action which the board may take and as the court considers proper, and for such purposes, the court may substitute its

opinion for that of the board or the court may refer the matter back to the board for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Designation

7.—(1) Every registered member of the Institute who has satisfied the criteria for a category of membership as set out in the by-laws of the Institute may use the designation "Member Institute of Municipal Assessors", "Associate Member Institute of Municipal Assessors", "Honorary Member Institute of Municipal Assessors", "Life Member Institute of Municipal Assessors" or "Fellow of the Institute of Municipal Assessors", as the case may be, and may use after the member's name the initials "M.I.M.A.", "A.I.M.A.", "M.I.M.A.(Hon.)", "M.I.M.A.(Life)" or "F.I.M.A.", respectively.

Offence

(2) Any person in Ontario who, not being a registered member of the Institute, takes or uses any designation or any set of initials referred to in subsection (1) either alone or in combination with any other word, name, title, initial or description, or implies, suggest or holds out that he or she is a member, associate member, honorary member or life member of the Institute or a fellow thereof is guilty of an offence.

Evidence

(3) In every case where registration is an issue, the production of a copy of the register, certified under the hand of the registrar, is sufficient evidence of all persons who are registered in lieu of the production of the original register and any certified copy purporting to be signed by a person in that person's capacity as registrar is proof, in the absence of evidence to the contrary, that such a person is the registrar without any proof of that person's signature or that the person is the registrar.

Idem

(4) The absence of the name of any person from a copy of the register produced under subsection (3) is proof, in the absence of evidence to the contrary, that the person is not registered.

Right to practice unafffected

8. This Act does not affect or interfere with the right of any person who is not a member of the Institute to practice as a municipal assessor in the Province of Ontario.

Surplus

9. Any surplus derived from carrying on the affairs and business of the Institute shall be devoted and applied solely in promoting and carrying out its objects and purposes and shall not be divided among its members.

Commencement

10. This Act comes into force on the day it receives Royal Assent.

Short title

11. The short title of this Act is the *Institute of Municipal Assessors Act, 1987*.

CHAPTER Pr21

An Act respecting the Ontario Institute of the Purchasing Management Association of Canada Inc.

Assented to June 29th, 1987

Preamble

Whereas the Ontario Institute of the Purchasing Management Association of Canada Inc., herein called the Institute, hereby represents that it was incorporated by letters patent dated the 8th day of January, 1987; and whereas the Institute considers it desirable to grant to its members the right to use the designation "Certified Professional Purchaser"; and whereas the applicant hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1. In this Act,

"board" means the board of directors of the Institute;

"registered" means registered as a member under this Act and "registration" has a corresponding meaning;

"registrar" means the registrar of the Institute.

Institute continued

2.—(1) The Ontario Institute of the Purchasing Management Association of Canada Inc. is continued as a corporation without share capital and the persons registered as members of the Institute on the day this Act comes into force and all other persons who become members of the Institute constitute the corporation.

Continuation of present board

(2) The members of the board and the officers of the Institute in office immediately before the coming into force of this Act are continued in office until their successors are appointed or elected in accordance with this Act and the by-laws of the Institute.

Letters patent revoked

(3) The letters patent of the Institute are revoked, but the revocation does not affect the rights or obligations of the

Institute or any by-law, resolution or appointment of the Institute except to the extent that the by-law, resolution or appointment is inconsistent with this Act.

Objects

3. The objects of the Institute are,

(a) to encourage research and development in the procurement and materials management field;

(b) to establish and encourage the application of high standards of ethical conduct among its members;

(c) to promote and improve procurement and material management practices.

Board of directors

4.—(1) The affairs of the Institute shall be managed by a board of directors.

Composition of board

(2) The board shall consist of not fewer than four and not more than six members of the Institute, as the board may from time to time determine, elected from the membership of the Institute.

Idem

(3) The Institute may by by-law provide for the appointment to the board of up to two persons who are not members of the Institute.

Election of board, term of office

(4) The manner of electing the members of the board, the notification to the electors of the time and place of holding elections, the nomination of candidates, the presiding officers at elections, the taking and counting of votes, the giving of a casting vote in the case of equality of votes, the term of office of members of the board and other necessary details shall be as set out in the by-laws of the Institute.

Quorum

(5) At any meeting of the board, a majority of the members of the board constitutes a quorum.

Officers

(6) The board shall elect or appoint such officers as are prescribed by the by-laws.

Vacancies

(7) In the case of the death, resignation or incapacity of any member of the board, the office shall be declared vacant by the board and the board shall fill the vacancy in such manner as may be provided by the by-laws of the Institute for the balance of the term.

Registrar

(8) The Institute shall appoint a registrar who shall perform the functions assigned to that officer by this Act and such other duties as may be assigned to the registrar by the board.

Proxies

5. At any annual, general or special meeting, members of the Institute may be represented and vote by proxy but,

(a) no proxy shall be exercised by a person who is not a member of the Institute; and

(b) the proxy shall be exercised in accordance with the by-laws.

By-laws

6.—(1) The board may pass by-laws regarding such matters as are necessary to conduct the business and carry out the objects of the Institute and, without restricting the generality of the foregoing, the board may pass by-laws,

(a) prescribing the qualification for and conditions of registration for students;

(b) prescribing a curriculum and courses of study to be pursued by students and the subjects upon which students and candidates for admission as members shall be examined and for granting certificates to students and candidates who have successfully passed the examinations;

(c) establishing and prescribing such classes of membership, the qualifications for admission thereto, and the privileges and limitations thereof as are necessary and in the public interest;

(d) regulating and governing the conduct of members in the practice of their business or profession by prescribing a code of ethics, rules of professional conduct, standards of practice and the form, use, issuance and ownership of seals;

(e) providing for the receipt and consideration of complaints made to the Institute concerning the conduct of its members in the practice of their business or profession, including the establishment of a complaints committee;

(f) providing for and governing the discipline, suspension, expulsion or other penalty for professional misconduct, incapacity, incompetence, or failure or refusal to pay any required fee, compensation fund levy or insurance premium, including the establishment of a discipline committee and procedures therefor;

(g) prescribing fees payable to the Institute;

(h) fixing and regulating the time, place, calling and conduct of annual and special general meetings of the Institute and meetings of the board;

(i) establishing and providing for the administration of a benevolent fund for the benefit of any member or the families of deceased members who may require financial assistance and, for that purpose, providing for the receipt of contributions or donations and for contributions from the funds of the Institute;

(j) authorizing the making of grants for any purpose that may tend to advance purchasing knowledge and education, improve standards of practice in purchasing management and support and encourage public information and interest in the past and present role of purchasing management in society;

(k) governing the acquisition, management, disposal and conduct of the property and affairs of the Institute;

(l) providing for the appointment, removal, functions, duties and remuneration of agents, officers and employees of the Institute;

(m) establishing such standing committees as the board considers necessary to carry out the business of the Institute; and

(n) providing procedures for the reception, review and resolution of complaints brought against any member of the Institute.

Confirmation of by-laws

(2) No by-law passed by the board comes into force until it is confirmed or amended and confirmed by the general membership at an annual meeting or at a special meeting called for the purpose of considering the by-law.

Inspection of by-laws

(3) The by-laws of the Institute passed under subsection (1) shall be open to examination by the public at the head office of the Institute during normal office hours.

Membership

7.—(1) The Institute shall grant a membership in the Institute to any individual who applies therefor in accordance with the by-laws, if the individual,

(a) is of good character;

(b) is not less than eighteen years of age;

(c) has complied with the academic and experience requirements specified in the by-laws for the issuance of membership; and

(d) has passed such examinations as the board of directors of the Institute may set or approve in accordance with the by-laws.

Register

(2) The registrar shall keep a register in which shall be entered the names of all members of the Institute in good standing and only those persons so registered are members entitled to the privileges of membership in the Institute.

Inspection of records

(3) The register shall be open to examination by the public at the head office of the Institute during normal office hours.

Appeals

(4) An individual who is qualified for membership in the Institute who has been refused membership or a person who has been subject to a disciplinary sanction under the by-laws may appeal to the Divisional Court, in accordance with the rules of court, from the refusal to grant membership or from the sanction.

Records

(5) Where a person appeals to the Divisional Court, the registrar shall forthwith file in the Court a record of the proceeding that resulted in failure or a refusal to grant membership or the decision of the committee imposing a sanction which, together with any transcript of evidence, if there is one, shall constitute the record in the appeal.

Powers of Court

(6) An appeal under this section may be made on questions of law or fact, or both, and the Divisional Court may rescind any decision, may exercise all powers of any committee and may direct the Institute to take any action that the Institute is empowered to take as the Court considers proper and, for such purposes, the Court may substitute its opinion for that of any committee or of the Institute or the Court may refer the matter back for rehearing, in whole or in part, in accordance with such directions as the Court considers proper.

Designation

8.—(1) Every member of the Institute may use the designation "Certified Professional Purchaser" and may use after his or her name the initials "C.P.P." indicating that he or she is a Certified Professional Purchaser and may use a seal in a form provided by the by-laws.

Offence

(2) Any person in Ontario who, not being a registered member of the Institute, takes or uses the designation "Certified Professional Purchaser" alone or in combination with any other word, name, title or description or implies, suggests or

holds out that he or she is a Certified Professional Purchaser is guilty of an offence.

Unregistered persons

(3) No action shall be brought in any court in Ontario or any fees, compensation or other remuneration collected for services performed as a certified professional purchaser unless the person bringing the action or collecting the fee, compensation or other remuneration was a Certified Professional Purchaser at the time the service was performed.

Evidence

(4) In every case where registration is an issue, the production of a copy of the register, certified under the hand of the registrar, is sufficient evidence of all persons who are registered in lieu of the production of the original register, and any certificate upon such copy of the register purporting to be signed by a person in his or her capacity as registrar is proof, in the absence of evidence to the contrary, that such person is the registrar without any proof of the person's signature or of the person being in fact the registrar.

Idem

(5) The absence of the name of any person from a copy of the register produced under subsection (3) is proof, in the absence of evidence to the contrary, that the person is not registered.

Removal from register

9.—(1) The board shall cause the removal of the name of a member from the register,

(a) at the request or with the written consent of the member whose name is to be removed;

(b) where the name has been incorrectly entered;

(c) where notification is received of a member's death; or

(d) where the registration of a member has been suspended or revoked through disciplinary proceedings.

Restoration to register

(2) Subject to subsection (3), the board, on such grounds as it considers sufficient, may cause the name of a person removed from the register to be restored thereto either without fee or upon payment to the Institute of,

(a) a sum not exceeding the fees or other sums in arrears and owing by the person to the Institute; and

(b) such additional sum as may be prescribed by the by-laws.

Idem

(3) Where the name of a person who has been suspended or whose registration has been suspended or revoked under clause (1) (d) is to be restored to the register under subsection (2), the board may, by resolution, direct that the name be restored subject to such terms and conditions as the board may impose.

Rights not affected

10. This Act does not affect or interfere with the right of any person who is not a member of the Institute to practice as a professional purchaser in the Province of Ontario.

Profits, etc., not to be distributed to members

11. All surplus, profits and other accretions derived from carrying on the affairs and business of the Institute shall be devoted and applied solely in promoting and carrying out its objects and purposes without gain to its members and shall not be divided among its members.

Liability

12. The Institute or board or any member of the Institute, the board or any standing committee is not liable for any loss or damage suffered by any person as a result of anything done by it or them in good faith in the administration of this Act or by-laws made thereunder.

Commencement

13. This Act comes into force on the day it receives Royal Assent.

Short title

14. The short title of this Act is the *Ontario Institute of the Purchasing Management Association of Canada Inc. Act, 1987*.

CHAPTER Pr22

An Act respecting Windsor Youth Marching and Concert Band

Assented to June 29th, 1987

Preamble

Whereas the Windsor Youth Marching and Concert Band, herein called the Scarlet Brigade, hereby represents that it was incorporated by letters patent dated the 19th day of December, 1977; that the objects of the Scarlet Brigade are to establish, maintain and operate a marching and concert band for the youth of the City of Windsor and County of Essex, to perform at concerts and community events in the Metropolitan Windsor area and to promote and stimulate among the youth of the Metropolitan Windsor area an interest in musical instruments, music and marching band concerts and competitions; that for the attainment of the above objects the Scarlet Brigade conducts and promotes fund raising events in the Metropolitan Windsor area, solicits, receives and holds gifts, donations, legacies and devises; that the Scarlet Brigade has the power to acquire and maintain buildings and exhibition places as necessary to provide its members with a place for rehearsals and show preparation; that the Scarlet Brigade is a registered charitable organization within the meaning of the *Income Tax Act* (Canada); that it is desirable that provision be made for exempting the lands and buildings owned by the Scarlet Brigade and known municipally as 1095 Bartlet Drive in the City of Windsor, more particularly described in the Schedule, from taxation for municipal and school purposes, other than local improvement rates; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

R.S.C. 1952, c. 148

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Tax exemption

1.—(1) The council of The Corporation of the City of Windsor may pass by-laws exempting from taxes for municipal and school purposes, other than local improvement rates, the land or any portion thereof, as defined in the *Assessment Act*, being the lands and premises described in the Schedule, so

R.S.O. 1980, c. 31

long as the land is owned, occupied and used solely for the purposes of the Scarlet Brigade.

Conditions

(2) An exemption granted under subsection (1) may be subject to such conditions as may be set out in the by-law.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Windsor Youth Marching and Concert Band Act, 1987*.

SCHEDULE

That parcel of land and premises in the City of Windsor in the County of Essex, described as lots 74, 75, 76, 77 and 78, inclusive, according to a Plan registered in the Land Registry Office for the Registry Division of Essex (No. 12) as Number 1478.

TABLE OF PUBLIC STATUTES

Showing all Acts contained in the Revised Statutes of Ontario, 1980 and all other Public Acts enacted in 1981, 1982, 1983, 1984, 1985, 1986 and 1987, together with amendments and repeals.

Title of Act	CITATION		Amendments and Repeals to end of 1987
	R.S.O. 1980 Chap.	Other	
A			
Abandoned Orchards Act	1		
Absconding Debtors Act	2		
Absentees Act	3		1986,c. 64,s. 1.
Accidental Fires Act	4		
Accumulations Act	5		
Administration of Justice Act	6		
Adoption Disclosure Statute Law Amendment Act, 1987	...	1987,c. 4	
Age of Majority and Accountability Act	7		
Agricultural Associations Act	8		
Agricultural Committees Act	9		
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BREAD SALES ACT: R.S.O.1980,c. 48,s. 4 (3) (1st April, 1981).

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BUSINESS CORPORATIONS ACT: 1982,c. 4,ss. 1 to 151 (4) and 152 to 279 (29th July, 1983).

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CENTRAL TRUST COMPANY ACT: 1983,c. 64 (9th December, 1983).

CHANGE OF NAME ACT: 1986,c. 7 (1st April, 1987).
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ENGLISH AND WABIGOON RIVER SYSTEMS MERCURY CONTAMINATION SETTLEMENT AGREEMENT ACT: 1986,c. 23 (28th July, 1986).
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B

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31st day of December, 1987

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TO THE 31st DAY OF DECEMBER, 1987

Showing the Regulations contained in Revised Regulations of Ontario, 1980, regulations under the Parkway Belt Planning and Development Act and certain regulations under the Planning Act shown in the Schedule to Revised Regulations of Ontario, 1980, and subsequent Regulations filed to the 31st day of December, 1987.

	R.R.O. 1980	O.Reg.	Date of Gazette
A			
ABANDONED ORCHARDS ACT			
General	1		
ADMINISTRATION OF JUSTICE ACT			
Fee Payable to Provincial Court (Civil Division) Referees		612/85	Dec. 14/85
amended		692/87	Jan. 2/88
Fees and Allowances - Provincial Court (Civil Division)		795/84	Jan. 5/85
amended		601/85	Dec. 14/85
amended		691/87	Jan. 2/88
Fees and Expenses - Court Reporters (revoked by 282/82)	2		
Court Reporters and Court Monitors		36/84	Feb. 11/84
amended		404/84	July 14/84
amended		610/85	Dec. 14/85
amended		57/87	Feb. 21/87
amended		693/87	Jan. 2/88
General	3		
amended (revoked by 794/84)		281/82	May 15/82
Jurors and Crown Witnesses	4		
amended		281/82	May 15/82
amended		607/85	Dec. 14/85
Justices of the Peace	5		
amended		281/82	May 15/82
amended		399/84	July 07/84
amended		404/84	July 14/84
amended		676/84	Nov. 10/84
amended (revoked by 620/85)		316/85	June 29/85
Justices of the Peace		620/85	Dec. 14/85
amended		22/86	Feb. 1/86
amended		188/86	Apr. 19/86
amended		456/86	Aug. 16/86
amended		725/86	Dec. 27/86
amended		695/87	Jan. 2/88

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Non-Salaried Court Reporters and Court Monitors..... (revoked by 36/84)		282/82	May 15/82
Sheriff's Officers, Process Servers, Escorts and Municipal Police Forces.....		794/84	Jan. 5/85
amended.....		603/85	Dec. 14/85
amended.....		694/87	Jan. 2/88
Fees -			
Construction Liens.....		158/83	Apr. 2/83
amended.....		405/84	July 14/84
amended.....		605/85	Dec. 14/85
Sheriffs.....	6		
amended.....		278/81	May 23/81
amended.....		281/82	May 15/82
amended.....		245/83	May 14/83
amended..... (revoked by 811/84)		404/84	July 14/84
Sheriffs.....		811/84	Jan. 5/85
amended..... (revoked by 609/86)		608/85	Dec. 14/85
Sheriffs.....		609/86	Oct. 25/86
Supreme Court and County Courts.....	7		
amended.....		281/82	May 15/82
amended		245/83	May 14/83
amended..... (revoked by 812/84)		404/84	July 14/84
Supreme Court and District Court.....		812/84	Jan. 5/85
amended..... (revoked by 608/86)		602/85	Dec. 14/85
Supreme Court and District Court.....		608/86	Oct. 25/86
Unified Family Court.....	8		
amended.....		281/82	May 15/82
amended		245/83	May 14/83
amended		37/84	Feb. 11/84
amended.....		404/84	July 14/84
amended.....		609/85	Dec. 14/85
amended.....		607/86	Oct. 25/86
Investigation Fee - Official Guardian..... (revoked by 495/81)	9		
Investigation Fee - Official Guardian.....		495/81	Aug. 8/81
amended.....		244/83	May 14/83
amended..... (revoked by 606/85)		366/84	June 23/84
Investigation Fee - Official Guardian.....		606/85	Dec. 14/85

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Kilometre Allowances		283/82	May 15/82
amended		404/84	July 14/84
amended		604/85	Dec. 14/85
Telewarrants (revoked by 188/86)		621/85	Dec. 14/85
To Amend Certain Regulations		281/82	May 15/82
AGRICULTURAL ASSOCIATIONS ACT			
Designation of Associations	10		
amended		611/81	Oct. 3/81
amended		852/82	Jan. 15/83
amended		99/83	Mar. 5/83
amended		413/84	July 14/84
amended		12/85	Jan. 26/85
amended		427/85	Sept. 14/85
amended		114/87	Mar. 21/87
AGRICULTURAL DEVELOPMENT FINANCE ACT			
Interest Rate	11		
amended		699/85	Jan. 11/86
amended		344/86	June 28/86
AGRICULTURAL SOCIETIES ACT			
General	12		
amended		107/83	Mar. 12/83
AGRICULTURAL TILE DRAINAGE INSTALLATION ACT			
General	13		
amended		85/83	Feb. 26/83
AMBULANCE ACT			
General	14		
amended		627/81	Oct. 10/81
amended		571/82	Sept. 11/82
amended		832/82	Jan. 8/83
amended		54/84	Feb. 18/84
amended		542/84	Sept. 8/84
amended		496/85	Oct. 26/85
AMUSEMENT DEVICES ACT, 1986			
General (revoked by 342/87)		248/86	May 17/86
General		342/87	June 27/87
ANATOMY ACT			
General	15		
amended		216/81	Apr. 25/81
amended		412/85	Aug. 31/85

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General	16		
Pounds	17		
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Transportation	19		
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Air Cooled and Marine Engine Mechanic	20		
Alignment and Brakes Mechanic	21		
Auto Body Repairer	22		
Automatic Machinist		28/84	Feb. 4/84
Automotive Machinist	23		
Automotive Painter	24		
Baker (revoked by 498/81)	25		
Baker		498/81	Aug. 15/81
Brick and Stone Mason	26		
Cement Mason	27		
Construction Boilermaker	28		
Construction Millwright	29		
Cook	30		
Dry Cleaners	31		
Electrician	32		
Farm Equipment Mechanic	33		
Fitter (Structural Steel/Platework)	34		
Fuel and Electrical Systems Mechanic	35		
General	36		
amended		246/81	May 9/81
amended		75/83	Feb. 12/83
amended		52/84	Feb. 18/84
amended		717/86	Dec. 27/86
General Carpenter	37		
General Machinist	38		
Glazier and Metal Mechanic	39		
amended		161/86	Apr. 12/86

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Hairstyling Schools	40		
amended		728/81	Nov. 14/81
Hairstylist	41		
Heavy Duty Equipment Mechanic	42		
Hoisting Engineer		619/82	Oct. 9/82
Horticulturist		656/86	Nov. 22/86
Industrial Electrician		718/86	Dec. 27/86
Industrial Mechanic (Millwright)	43		
Industrial Woodworker		873/81	Jan. 16/82
Iron Workers	44		
Lather	45		
Lineman	46		
amended		150/82	Apr. 3/82
Motor Vehicle Mechanic	47		
Motorcycle Mechanic	48		
Mould Maker	49		
Painter and Decorator	50		
amended		378/81	June 20/81
amended		160/86	Apr. 12/86
amended		475/86	Aug. 30/86
Plasterers	51		
Plumbers	52		
Printer	53		
Radio and Television Service Technician	54		
Refrigeration and Air-Conditioning Mechanic	55		
Service Station Attendant	56		
revoked		100/84	Mar. 3/84
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amended		810/84	Jan. 5/85
amended		156/85	April 20/85
amended		160/85	April 20/85
amended		599/85	Dec. 14/85
amended		58/86	Feb. 22/86
amended		368/86	July 12/86
amended		149/87	Apr. 11/87
amended		671/87	Dec. 26/87
amended		672/87	Dec. 26/87
amended		688/87	Jan. 2/88
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Alternative Period for Census		305/85	June 22/85
Application for Direction of School Support (revoked by 798/82)		641/82	Oct. 16/82
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Equalization of Assessments Made Under Section 63 of the Assessment Act		5/81	Jan. 24/81

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Equalization of Assessments Made Under Section 63 of the Assessment Act.....		32/81	Feb. 14/81
Equalization of Assessments Made Under Section 63 of the Assessment Act.....		760/81	Nov. 28/81
Equalization of Assessments Made Under Section 63 of the Assessment Act.....		866/81	Jan. 19/82
Equalization of Assessments Made Under Section 63 of the Assessment Act.....		867/81	Jan. 19/82
Equalization of Assessments Made Under Section 63 of the Assessment Act.....		787/82	Dec. 18/82
Equalization of Assessments Made Under Section 63 of the Assessment Act.....		9/83	Jan. 22/83
Equalization of Assessments Made Under Section 63 of the Assessment Act.....		51/83	Feb. 5/83
Equalization of Assessments Made Under Section 63 of the Assessment Act.....		15/84	Jan. 28/84
Equalization of Assessments Made Under Section 63 of the Assessment Act.....		95/84	March 3/84
amended.....		360/85	July 13/85
Equalization of Assessments Made Under Section 63 of the Assessment Act.....		74/85	Feb. 23/85
Equalization of Assessments Made Under Section 63 of the Assessment Act.....		89/85	Mar. 9/85
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amended.....		66/86	Feb. 22/86
amended.....		100/86	Mar. 15/86
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amended.....		529/85	Nov. 9/85
amended.....		73/86	Mar. 1/86
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amended.....		228/87	May 16/87

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amended		267/87	May 30/87
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amended		267/86	May 24/86
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General	78		

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Licence Fees	79		
amended		651/81	Oct. 17/81
amended		276/82	May 8/82
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amended		341/82	June 12/82
amended		129/86	Apr. 5/86
Weighing of Live Cattle		340/82	June 12/82
amended		128/86	Apr. 5/86
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General	81		
amended		567/85	Nov. 23/85
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General	82		
amended		138/84	March 17/84
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amended		102/85	March 16/85
amended		459/86	Aug. 16/86
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General	84		
amended		179/82	Apr. 10/82
amended		640/83	Oct. 29/83
amended		451/85	Sept. 28/85
amended		531/86	Sept. 20/86
BOUNDARIES ACT			
General	85		
amended		133/84	March 17/84
amended		263/86	May 24/86
BRANTFORD–BRANT ANNEXATION ACT, 1980			
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Order of the Minister - Transitional Mill Rates - 1983		575/83	Sept. 24/83
Order of the Minister - Transitional Mill Rates - 1984		380/84	June 30/84
Order of the Minister - Transitional Mill Rates - 1985		419/85	Sept. 7/85
Order of the Minister - Transitional Mill Rates - 1986		467/86	Aug. 23/86
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General.....	87		
amended.....		103/81	Mar. 14/81
amended.....		230/81	Apr. 25/81
amended.....		720/81	Nov. 14/81
(revoked by 583/83)			
General.....		583/83	Oct. 8/83
amended.....		549/84	Sept. 8/84
(revoked by 419/86)			
General.....		419/86	Aug. 9/86
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(revoked by 446/83)			
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General		446/83	July 30/83
amended.....		678/83	Nov. 12/83
amended.....		199/84	April 14/84
amended.....		669/84	Nov. 10/84
amended.....		778/84	Dec. 22/84
amended.....		148/85	April 20/85
amended.....		495/85	Oct. 19/85
amended.....		681/85	Jan. 4/86
amended.....		159/87	Apr. 11/87
C			
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General.....		751/86	Jan. 10/87
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amended.....		472/81	Aug. 1/81
amended.....		824/82	Jan. 1/83
amended.....		839/82	Jan. 8/83
amended.....		179/83	Apr. 16/83
amended.....		240/83	May. 14/83
amended.....		763/83	Dec. 24/83
amended.....		176/84	Apr. 7/84
amended.....		403/84	July 14/84
amended.....		109/87	Mar. 14/87
amended.....		189/87	Apr. 18/87
amended.....		625/87	Dec. 5/87

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General	90		
Trust Funds	91		
amended		222/81	Apr. 25/81
amended		223/81	Apr. 25/81
CENTENNIAL CENTRE OF SCIENCE AND TECHNOLOGY ACT			
Fees	92		
amended		211/82	Apr. 24/82
amended		77/84	Feb. 25/84
amended		294/84	May 19/84
amended		381/86	July 12/86
amended		294/87	June 13/87
CERTIFICATION OF TITLES ACT			
General	93		
amended		595/82	Sept. 18/82
amended		134/84	March 17/84
amended		581/84	Sept. 29/84
amended		264/86	May 24/86
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Fees and Forms	94		
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General		64/87	Feb. 28/87 (B)
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General	95		
amended		49/81	Feb. 21/81
amended		187/81	Apr. 11/81
amended		271/81	May 16/81
amended		481/81	Aug. 1/81
amended		615/81	Oct. 3/81
amended		698/81	Nov. 7/81
amended		814/81	Dec. 26/81
amended		69/82	Feb. 20/82
amended		311/82	May 22/82
amended		455/82	July 17/82
amended		549/82	Aug. 21/82
amended		553/82	Aug. 21/82
amended		720/82	Nov. 13/82
amended		71/83	Feb. 12/83
amended		274/83	May. 21/83
amended		461/83	Aug. 6/83
amended		580/83	Oct. 1/83
amended		648/83	Oct. 29/83
amended		697/83	Nov. 19/83
amended		729/83	Dec. 10/83
amended		766/83	Dec. 24/83
amended		63/84	Feb. 18/84
amended		79/84	Feb. 25/84
amended		310/84	June 2/84
amended		327/84	June 9/84
amended		496/84	Aug. 18/84
amended		627/84	Oct. 20/84

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amended		704/84	Nov. 17/84
amended		27/85	Feb. 9/85
amended		209/85	May 25/85
amended		351/85	July 6/85
amended		400/85	Aug. 17/85
amended		553/85	Nov. 16/85
amended		47/86	Feb. 15/86
amended		138/86	Apr. 5/86
amended		246/86	May 17/86
amended		366/86	July 12/86
amended		442/86	Aug. 16/86
amended		641/86	Nov. 15/86
amended		38/87	Feb. 14/87
amended		224/87	May 9/87
amended		382/87	July 11/87
amended		451/87	Aug. 15/87
amended		591/87	Nov. 14/87
CHILD AND FAMILY SERVICES ACT, 1984			
General		550/85	Nov. 16/85
amended		269/87	June 6/87
amended		347/87	July 4/87
amended		400/87	July 25/87
amended		624/87	Dec. 5/87
General		551/85	Nov. 16/85
CHILD WELFARE ACT (See now Child and Family Services Act, 1984)			
General	96		
amended		72/81	Mar. 7/81
amended		787/81	Dec. 5/81
amended		102/82	Mar. 6/82
amended		484/82	July 31/82
(revoked by 550/85)			
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(revoked by 550/85)			
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General	98		
amended		815/81	Dec. 26/81
amended		730/83	Dec. 10/83
(revoked by 550/85)			
CHILDREN'S LAW REFORM ACT			
Forms	99		
amended		458/86	Aug. 16/86
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General	100		
amended		816/81	Dec. 26/81
amended		145/83	Mar. 26/83
amended		521/83	Sept. 3/83
(revoked by 550/85)			

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CHILDREN'S RESIDENTIAL SERVICES ACT			
(See now Child and Family Services Act, 1984)			
General	101		
amended		817/81	Dec. 26/81
amended		760/82	Dec. 4/82
amended		29/83	Feb. 5/83
(revoked by 28/83 But SEE section 59(2) of O.Reg. 28/83)			
General		28/83	Feb. 5/83
(revoked by 550/85)			
CHIROPODY ACT			
General	102		
amended		169/81	Apr. 11/81
amended		590/81	Sept. 12/81
amended		24/83	Jan. 29/83
amended		18/84	Jan. 28/84
amended		94/85	Mar. 9/85
amended		103/87	Mar. 14/87
CITY OF TORONTO 1981 ASSESSMENT COMPLAINTS ACT, 1982			
Property Omitted from Schedule		812/82	Jan. 1/83
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General	103		
amended		137/81	Mar. 28/81
amended		701/81	Nov. 7/81
amended		147/82	Apr. 3/82
amended		346/82	June 12/82
amended		590/83	Oct. 1/83
amended		615/83	Oct. 15/83
amended		268/86	May 24/86
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Fees	104		
amended		368/84	June 23/84
amended		611/85	Dec. 14/85
COMMODITY BOARDS AND MARKETING AGENCIES ACT			
Levies -			
Cream	105		
amended		379/82	June 19/82
amended		855/82	Jan. 15/83
amended		482/83	Aug. 20/83
Milk	106		
Levies or Charges -			
Chicken	107		
amended		106/83	Mar. 12/83
amended		779/83	Dec. 31/83
amended		687/87	Jan. 2/88

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amended		33/81	Feb. 14/81
amended		773/84	Dec. 22/84
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Eggs	110		
amended		462/81	July 25/81
amended		98/83	Mar. 5/83
amended		713/83	Nov. 26/83
amended		760/86	Jan. 17/87
Eggs (Overquota)		759/86	Jan. 17/87
Fowl	111		
Hatching Eggs		367/87	July 11/87
Milk	112		
amended		275/82	May 8/82
amended		518/82	Aug. 14/82
amended		814/82	Jan. 1/83
amended		514/83	Aug. 27/83
amended		512/84	Aug. 25/84
amended		426/85	Sept. 14/85
amended		505/86	Sept. 13/86
Tobacco		619/86	Nov. 1/86
Turkeys	113		
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General	114		
amended		226/81	Apr. 25/81
amended		809/82	Dec. 25/82
amended		622/84	Oct. 20/84
amended		684/85	Jan. 4/86
amended		685/85	Jan. 4/86
amended		382/86	July 12/86
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amended		348/82	June 12/82
amended		165/83	Apr. 9/83
amended		582/84	Sept. 29/84
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amended		349/82	June 12/82
amended		237/85	June 1/85
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Sault St. Marie Region		683/81	Oct. 31/81
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Ausable-Bayfield		544/84	Sept. 8/84
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Essex Region		730/82	Nov. 20/82
amended		784/84	Dec. 29/84
amended		437/85	Sept. 14/85
Ganaraska Region Conservation Authority		576/84	Sept. 29/84
Grand River (revoked by 154/86)	163		
Grand River		154/86	Apr. 12/86
Halton Region	164		
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amended (revoked by 617/86)		73/85	Feb. 23/85
Hamilton Region		617/86	Nov. 1/86
Kettle Creek (revoked by 446/86)	166		

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Kettle Creek		446/86	Aug. 16/86
Lakehead Region	167		
Long Point Region Conservation Authority		545/84	Sept. 8/84
amended		491/85	Oct. 19/85
Lower Thames Valley	168		
Maitland Valley		503/81	Aug. 15/81
amended		313/84	June 2/84
Mattagami Region (revoked by 611/86)	169		
Mattagami Region		611/86	Oct. 25/86
Metropolitan Toronto and Region (revoked by 293/86)	170		
Metropolitan Toronto and Region		293/86	June 7/86
Napanee Region Conservation Authority		436/85	Sept. 14/85
Niagara Peninsula (revoked by 82/86)		220/81	Apr. 25/81
Niagara Peninsula		82/86	Mar. 8/86
Nickel District	171		
North Bay-Mattawa		278/85	June 15/85
North Grey	172		
Nottawasaga Valley	173		
amended		423/83	July 16/83
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Sauble Valley	177		
Saugeen Valley	178		
amended		349/85	July 6/85
South Lake Simcoe	179		
Upper Thames River	180		
amended		395/84	July 7/84
CONSOLIDATED HEARINGS ACT, 1981			
Conservation Authorities Act		194/84	Apr. 14/84
amended		8/87	Jan. 14/87
Hearings		688/81	Oct. 31/81
amended		200/82	Apr. 17/82

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Redhill Creek Expressway now Conservation Authorities Act (see 8/87)			
CONSTRUCTION LIEN ACT, 1983			
General		159/83	Apr. 2/83
CONSUMER PROTECTION ACT			
General	181		
amended		102/81	Mar. 14/81
amended		702/81	Nov. 7/81
amended		614/83	Oct. 15/83
amended		269/86	May 24/86
CONSUMER REPORTING ACT			
General	182		
amended		345/82	June 12/82
amended		616/83	Oct. 15/83
amended		270/86	May 24/86
CO-OPERATIVE CORPORATIONS ACT			
General	183		
amended		144/86	Apr. 5/86
CO-OPERATIVE LOANS ACT			
General	184		
CORONERS ACT			
General	185		
amended		648/81	Oct. 17/81
amended		533/82	Aug. 21/82
amended		67/84	Feb. 18/84
amended		302/84	May 26/84
amended		292/86	May 31/86
amended		589/86	Oct. 18/86
amended		521/87	Sept. 19/87
CORPORATIONS ACT			
Evidence of Bona Fides on Applications (revoked by 152/82)	186		
General (revoked by 152/82)	187		
General		152/82	Apr. 3/82
amended		519/82	Aug. 14/82
amended		674/82	Oct. 23/82
amended		677/83	Nov. 12/83
amended		200/84	Apr. 14/84
amended		668/84	Nov. 10/84
amended		779/84	Dec. 22/84
amended		42/85	Feb. 9/85
amended		116/85	Mar. 23/85
amended		682/85	Jan. 4/86
amended		160/87	Apr. 11/87
amended		217/87	May 9/87

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amended.....		838/82	Jan. 8/83
amended.....		202/84	Apr. 14/84
amended.....		231/85	June 1/85
amended.....		161/87	Apr. 11/87
CORPORATION SECURITIES REGISTRATION ACT			
Fees.....	190		
amended.....		676/83	Nov. 12/83
amended.....		201/84	Apr. 14/84
amended.....		670/84	Nov. 10/84
amended.....		162/87	Apr. 11/87
CORPORATIONS TAX ACT			
General.....	191		
amended.....		36/82	Feb. 13/82
amended.....		245/82	May 1/82
amended.....		254/82	May 1/82
amended.....		268/82	May 8/82
amended.....		466/83	Aug. 6/83
amended.....		511/83	Aug. 27/83
amended.....		756/83	Dec. 17/83
amended.....		647/84	Oct. 27/84
amended.....		191/85	May 11/85
amended.....		763/86	Jan. 17/87
amended.....		126/87	Mar. 28/87
COSTS OF DISTRESS ACT			
Costs.....	192		
amended.....		689/87	Jan. 2/88
COUNTY COURTS ACT (See now Courts of Justice Act, 1984)			
Sittings of the County Court for the Judicial District of Waterloo..... (expired)		10/81	Jan. 31/81
Sittings of the County Court for the Judicial District of Haldimand..... (expired)		11/81	Jan. 31/81
Sittings of the County Court for the Judicial District of Peel..... (expired)		341/81	June 6/81
Sittings of the County Court for the Counties and Districts of Ontario..... (expired)		853/81	Jan. 9/82
Sittings of the District Court for the District of Muskoka..... (expired)		385/82	June 19/82

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Sittings of the County and District Courts for the Judicial District of Peel..... (expired)		386/82	June 19/82	
Sittings of the County Court for the Counties and Districts of Ontario..... (expired)		828/82	Jan. 8/83	
Sitting of the County Court for the Judicial District of Hamilton-Wentworth..... (expired)		27/83	Jan. 29/83	
Sittings of the District Court for the District of Kenora..... (expired)		174/83	Apr. 16/83	
Sittings of the County Court for the Judicial District of York..... (expired)		338/83	June 25/83	
Sittings of the County Court for the Judicial District of Peel..... (expired)		339/83	June 25/83	
Sittings of the County Court for the District of Parry Sound..... (expired)		433/83	July 23/83	
Sittings of the County Court for the County of Perth..... (expired)		434/83	July 23/83	
Sittings of the County Court for the Districts and Counties of Ontario..... (expired)		764/83	Dec. 24/83	
Sittings of the County Court for the Counties of Peterborough, Prescott and Russell, Lambton and Wellington..... (expired)		16/84	Jan. 28/84	
Sittings of the County Court for the Judicial District of Peel..... (expired)		17/84	Jan. 28/84	
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Designated Courts..... (revoked by 12/87)		392/86	July 12/86	(B)
Designated Courts.....		12/87	Jan. 31/87	(B)

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Designated Courts - Bilingual Proceedings		806/84	Jan. 5/85	
amended		432/87	Aug. 8/87	
District Court of Ontario		785/84	Dec. 29/84	
amended		138/87	Apr. 4/87	
amended		404/87	July 25/87	
Duties of Clerks and Bailiffs of the Provincial Court (Civil Division)		796/84	Jan. 5/85	
High Court - Composition (revoked by 204/85)		684/83	Nov. 12/83	
High Court - Composition		204/85	May 25/85	
Part-time Provincial Judges Authorized to Practise Law	808			
amended		81/81	Mar. 14/81	
amended		719/81	Nov. 14/81	
amended		574/82	Sept. 11/82	
amended		566/83	Sept. 24/83	
amended (revoked by 228/85)		332/84	June 16/84	
Part-Time Provincial Judges Authorized to Practice Law		228/85	June 1/85	
Provincial Judges Benefits		332/84	June 16/84	
amended		803/84	Jan. 5/85	
amended		270/85	June 15/85	
amended		696/86	Dec. 13/86	
amended		335/87	June 27/87	
Rules of Civil Procedure		560/84	Sept. 22/84	(B)
amended		786/84	Dec. 29/84	
amended		478/85	Oct. 5/85	
amended		221/86	May 10/86	
amended		323/86	June 21/86	
amended		484/86	Aug. 30/86	
amended		366/87	July 11/87	
Rules of Practice and Procedure of the Provincial Offences Courts	809			
amended		651/82	Oct. 16/82	
amended		519/87	Sept. 19/87	
Rules of Practice and Procedure - Unified Family Court	939			
amended		653/82	Oct. 16/82	
amended		807/84	Jan. 5/85	
amended		104/85	Mar. 16/85	
amended		571/85	Nov. 23/85	
amended		93/86	Mar. 8/86	
amended		324/86	June 21/86	
amended		388/87	July 18/87	
Rules of the Provincial Court (Civil Division)		797/84	Jan. 5/85	
amended		158/85	Apr. 20/85	
amended		754/86	Jan. 10/87	

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Rules of the Provincial Court (Family Division)	810		
amended		652/82	Oct. 16/82
amended		808/84	Jan. 5/85
amended		103/85	Mar. 16/85
amended		570/85	Nov. 23/85
amended		94/86	Mar. 8/86
amended		387/87	July 18/87
Salaries and Benefits of Masters	539		
amended		427/81	July 11/81
amended		576/82	Sept. 11/82
amended		371/83	July 9/83
amended		567/83	Sept. 24/83
amended		333/84	June 16/84
amended		805/84	Jan. 5/85
amended		229/85	June 1/85
amended		463/85	Sept. 28/85
amended		672/85	Jan. 4/86
amended		571/86	Oct. 11/86
Salaries and Benefits of Provincial Judges	811		
amended		426/81	July 11/81
amended		177/82	Apr. 10/82
amended		573/82	Sept. 11/82
amended		372/83	July 9/83
amended		565/83	Sept. 24/83
amended		332/84	June 16/84
amended		804/84	Jan. 5/85
amended		227/85	June 1/85
amended		547/85	Nov. 16/85
amended		514/86	Sept. 13/86
Territorial Divisions and Court Office Locations for the Provincial Court (Civil Division)		159/85	Apr. 20/85
amended		566/85	Nov. 23/85
CREDIT UNIONS AND CAISSES POPULAIRES ACT			
Annual Premium		150/87	Apr. 11/87
Credit Union Leagues	194		
amended		59/81	Feb. 21/81
Designations Under Section 84 of the Act		802/82	Dec. 25/82
General	195		
amended		744/83	Dec. 17/83
amended		145/86	Apr. 5/86
General		62/85	Feb. 23/85
Membership in Credit Unions	196		
Membership in Credit Union Leagues		58/81	Feb. 21/81
Stabilization Funds		151/87	Apr. 11/87

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CROP INSURANCE ACT (ONTARIO)			
Arbitration Proceedings	197		
amended		81/84	Feb. 25/84
Crop Insurance Plan -			
Apples	198		
amended		768/81	Dec. 5/81
amended		37/83	Feb. 5/83
amended		754/83	Dec. 17/83
amended		796/83	Jan. 7/84
amended		82/84	Feb. 25/84
amended		6/85	Jan. 26/85
amended		647/85	Dec. 28/85
amended		675/86	Dec. 13/86
Asparagus		353/84	June 23/84
amended		659/87	Dec. 19/87
Beets (revoked by 313/81)	199		
Black Tobacco	200		
amended		376/81	June 20/81
amended		307/83	June 4/83
amended		573/83	Sept. 24/83
amended		464/84	Aug. 4/84
amended		490/87	Sept. 12/87
Burley Tobacco	201		
amended		375/81	June 20/81
amended		308/83	June 4/83
amended		572/83	Sept. 24/83
amended		463/84	Aug. 4/84
amended		491/87	Sept. 12/87
Cabbage and Carrots (revoked by 313/81)	202		
Carrots		217/82	Apr. 24/82
amended		271/83	May. 21/83
amended		461/84	Aug. 4/84
amended		293/85	June 22/85
amended		508/86	Sept. 13/86
amended		326/87	June 27/87
Cauliflower (revoked by 313/81)	203		
Coloured Beans	204		
amended		304/81	May 23/81
amended		92/82	Mar. 6/82
amended		215/82	Apr. 24/82
amended		44/83	Feb. 5/83
amended		141/84	March 17/84
amended		288/85	June 22/85
amended		320/87	June 27/87
Corn	205		
amended		310/81	May 30/81
amended		89/82	Mar. 6/82
amended		45/83	Feb. 5/83

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amended		147/84	March 17/84
amended		298/85	June 22/85
amended		319/87	June 27/87
Cucumbers		462/84	Aug. 4/84
amended		294/85	June 22/85
amended		291/86	May 31/86
amended		323/87	June 27/87
Flue-Cured Tobacco	206		
amended		311/81	May 30/81
amended		94/82	Mar. 6/82
amended		630/82	Oct. 9/82
amended		388/83	July 9/83
amended		359/84	June 23/84
amended		511/84	Aug. 25/84
amended		524/85	Nov. 2/85
amended		600/86	Oct. 25/86
Fresh Market Crops (revoked by 313/81)	207		
Fruit and Vegetables now Specialty Crops (see 465/84)			
Grapes	208		
amended		769/81	Dec. 5/81
amended		793/82	Dec. 18/82
amended		7/85	Jan. 26/85
amended		650/85	Dec. 28/85
Green and Wax Beans	209		
amended		504/82	Aug. 7/82
amended		263/83	May 21/83
amended		355/84	June 23/84
amended		289/85	June 22/85
amended		205/86	May 3/86
amended		318/87	June 27/87
Hay and Pasture	210		
amended		50/83	Feb. 5/83
amended		145/84	March 17/84
amended		466/84	Aug. 4/84
Hay Seeding Establishment	211		
amended		146/84	March 17/84
amended		300/85	June 22/85
Lima Beans	212		
amended		350/81	June 13/81
amended		503/82	Aug. 7/82
amended		358/84	June 23/84
amended		206/86	May 3/86
amended		317/87	June 27/87
Oil Seed		297/84	May 26/84
amended		295/85	June 22/85
amended		312/87	June 27/87
Onions		541/86	Sept. 20/86
amended		322/87	June 27/87

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Onions Grown from Seed	213		
amended		287/81	May 23/81
amended		220/82	Apr. 24/82
amended		750/82	Nov. 27/82
amended		265/83	May 21/83
amended		460/84	Aug. 4/84
amended		304/85	June 22/85
(revoked by 541/86)			
Onions Grown from Sets	214		
amended		286/81	May 23/81
amended		221/82	Apr. 24/82
amended		751/82	Nov. 27/82
amended		264/83	May 21/83
amended		361/84	June 23/84
(revoked by 541/86)			
Peaches	215		
amended		770/81	Dec. 5/81
amended		794/82	Dec. 18/82
amended		38/83	Feb. 5/83
amended		794/83	Jan. 7/84
amended		676/86	Dec. 13/86
Pears	216		
amended		771/81	Dec. 5/81
amended		753/82	Nov. 27/82
amended		39/83	Feb. 5/83
amended		795/83	Jan. 7/84
amended		8/85	Jan. 26/85
amended		648/85	Dec. 28/85
Peas	217		
amended		289/81	May 23/81
amended		307/82	May 22/82
amended		273/83	May 21/83
amended		357/84	June 23/84
amended		299/85	June 22/85
amended		208/86	May 3/86
amended		321/87	June 27/87
Peppers	218		
amended		404/81	July 4/81
amended		95/82	Mar. 6/82
amended		270/83	May 21/83
amended		459/84	Aug. 4/84
amended		303/85	June 22/85
amended		85/86	Mar. 8/86
Plums	219		
amended		772/81	Dec. 5/81
amended		754/82	Nov. 27/82
amended		40/83	Feb. 5/83
amended		797/83	Jan. 7/84
amended		9/85	Jan. 26/85
amended		649/85	Dec. 28/85
Popping Corn		312/81	May 30/81
amended		96/82	Mar. 6/82
amended		218/82	Apr. 24/82
amended		269/83	May 21/83
amended		291/85	June 22/85

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Potatoes		314/81	May 30/81
amended		97/82	Mar. 6/82
amended		49/83	Feb. 5/83
amended		142/84	Mar. 17/84
amended		159/86	Apr. 12/86
amended		328/87	June 27/87
Pumpkins and Squash		287/85	June 22/85
amended		209/86	May 3/86
amended		313/87	June 27/87
Rutabagas		315/81	May 30/81
amended		98/82	Mar. 6/82
amended		223/82	Apr. 24/82
amended		268/83	May 21/83
amended		510/84	Aug. 25/84
amended		296/85	June 22/85
amended		327/87	June 27/87
Seed Corn	220		
amended		509/86	Sept. 13/86
amended		316/87	June 27/87
Sour Cherries	221		
amended		773/81	Dec. 5/81
amended		755/82	Nov. 27/82
amended		42/83	Feb. 5/83
amended		798/83	Jan. 7/84
amended		646/85	Dec. 28/85
Soybeans	222		
amended		309/81	May 30/81
amended		90/82	Mar. 6/82
amended		46/83	Feb. 5/83
amended		144/84	Mar. 17/84
(revoked by 297/84)			
Spanish Onions		316/81	May 30/81
amended		222/82	Apr. 24/82
amended		752/82	Nov. 27/82
amended		267/83	May 21/83
amended		360/84	June 23/84
(revoked by 541/86)			
Specialty Crops		313/81	May 30/81
amended		219/82	Apr. 24/82
amended		266/83	May 21/83
amended		465/84	Aug. 4/84
amended		286/85	June 22/85
amended		204/86	May 3/86
amended		329/87	June 27/87
Spring Grain	223		
amended		306/81	May 23/81
amended		91/82	Mar. 6/82
amended		47/83	Feb. 5/83
amended		140/84	Mar. 17/84
amended		302/85	June 22/85
amended		325/87	June 27/87

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Sunflowers		478/87	Aug. 29/87
Sweet Cherries	224		
amended		774/81	Dec. 5/81
amended		795/82	Dec. 18/82
amended		41/83	Feb. 5/83
amended		799/83	Jan. 7/84
amended		10/85	Jan. 26/85
Sweet Corn	225		
amended		290/81	May 23/81
amended		308/82	May 22/82
amended		272/83	May 21/83
amended		362/84	June 23/84
amended		207/86	May 3/86
amended		315/87	June 27/87
Tomatoes	226		
amended		291/81	May 23/81
amended		309/82	May 22/82
amended		309/83	June 4/83
amended		356/84	June 23/84
amended		292/85	June 22/85
amended		683/86	Dec. 13/86
amended		314/87	June 27/87
Vine Crops (revoked by 313/81)	227		
White Beans	228		
amended		305/81	May 23/81
amended		93/82	Mar. 6/82
amended		216/82	Apr. 24/82
amended		48/83	Feb. 5/83
amended		139/84	March 17/84
amended		301/85	June 22/85
amended		324/87	June 27/87
Winter Wheat	229		
amended		99/82	Mar. 6/82
amended		571/83	Sept. 24/83
amended		635/84	Oct. 27/84
amended		619/85	Dec. 14/85
amended		695/86	Dec. 13/86
amended		681/87	Dec. 26/87
Designation of Insurable Crops	230		
amended		288/81	May 23/81
amended		306/82	May 22/82
amended		305/83	June 4/83
amended		298/84	May 26/84
amended		354/84	June 23/84
amended		297/85	June 22/85
amended		296/87	June 20/87
General	231		
amended		43/83	Feb. 5/83
amended		143/84	Mar. 17/84
amended		363/84	June 23/84
amended		290/85	June 22/85
amended		330/87	June 27/87

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CROWN EMPLOYEES COLLECTIVE BARGAINING ACT			
General	232		
amended		252/85	June 8/85
amended		41/87	Feb. 14/87
Rules of Procedure	233		
CROWN TIMBER ACT			
General	234		
amended		175/81	Apr. 11/81
amended		621/81	Oct. 10/81
amended		853/82	Jan. 15/83
amended		854/82	Jan. 15/83
amended		248/83	May 14/83
amended		151/84	Mar. 24/84
amended		166/84	Mar. 31/84
amended		393/84	July 7/84
amended		476/84	Aug. 18/84
amended		64/85	Feb. 23/85
amended		203/85	May 25/85
amended		117/86	Mar. 29/86
amended		373/86	July 12/86
amended		131/87	Mar. 28/87
D			
DANGEROUS GOODS TRANSPORTATION ACT, 1981			
General		363/85	July 13/85
DAY NURSERIES ACT			
General	235		
amended		818/81	Dec. 26/81
amended		166/82	Apr. 3/82
amended		298/83	June 4/83
amended		401/83	July 16/83
(revoked by 760/83)			
General		760/83	Dec. 17/83
amended		500/84	Aug. 18/84
amended		533/84	Sept. 1/84
amended		592/84	Sept. 29/84
amended		499/85	Oct. 26/85
amended		119/86	Mar. 29/86
amended		144/87	Apr. 4/87
amended		467/87	Aug. 22/87
amended		621/87	Dec. 5/87
DEAD ANIMAL DISPOSAL ACT			
General	236		
DENTAL TECHNICIANS ACT			
General	237		
amended		710/82	Nov. 13/82

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amended		75/86	Mar. 8/86
amended		48/87	Feb. 14/87
DENTURE THERAPISTS ACT			
General	238		
amended		667/81	Oct. 24/81
amended		562/82	Aug. 28/82
amended		46/84	Feb. 11/84
amended		291/84	May 19/84
amended		143/85	Apr. 20/85
DEPOSITS REGULATION ACT			
General	239		
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Innovation Ontario Corporation		550/86	Oct. 4/86
Ontario Film Development Corporation (The)		37/86	Feb. 15/86
amended		678/87	Dec. 26/87
Ontario International Corporation	241		
amended		325/83	June 11/83
amended		755/83	Dec. 17/83
amended		113/84	Mar. 10/84
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General	242		
amended		608/81	Sept. 26/81
amended		80/84	Feb. 25/84
amended		334/84	June 16/84
amended		50/85	Feb. 16/85
amended		52/85	Feb. 16/85
amended		502/85	Oct. 26/85
DISTRICT OF PARRY SOUND LOCAL GOVERNMENT ACT, 1979			
Authority to Acquire Land - Township of The Archipelago		750/81	Nov. 28/81
Order of the Minister (this Reg. amends O.Reg. 199/80 see Schedule to R.R.O. 1980)		66/81	Feb. 28/81
DISTRICT WELFARE ADMINISTRATION BOARDS ACT			
Application for Grant Under Section 10 of the Act	243		
amended		609/83	Oct. 15/83
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amended		300/81	May 23/81
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Chiropractors	248		
amended		860/81	Jan. 9/82
amended		521/82	Aug. 14/82
amended		762/82	Dec. 4/82
amended		20/84	Jan. 28/84
amended		515/84	Aug. 25/84
amended		223/85	June 1/85
amended		256/85	June 8/85
amended		557/85	Nov. 16/85
amended		104/87	Mar. 14/87
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amended		738/83	Dec. 17/83
General	250		
amended		242/81	May 9/81
amended		19/84	Jan. 28/84
amended		22/85	Feb. 9/85
amended		696/85	Jan. 11/86
Masseurs	251		
amended		859/81	Jan. 9/82
amended		277/82	May 8/82
amended		711/82	Nov. 13/82
amended		224/85	June 1/85
amended		580/85	Nov. 23/85
amended		618/87	Dec. 5/87
Osteopaths	252		
amended		239/83	May 14/83
Physiotherapists	253		
amended		513/81	Aug. 15/81
amended		638/83	Oct. 15/83
amended		126/84	Mar. 17/84
amended		614/84	Oct. 13/84
amended		23/85	Feb. 9/85
amended		640/85	Dec. 28/85
amended		502/86	Sept. 13/86
amended		636/86	Nov. 15/86
amended		619/87	Dec. 5/87
E			
EDIBLE OIL PRODUCTS ACT			
General	254		
amended		296/84	May 26/84

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Apportionment 1980 Requisitions..... (this Reg. amends O.Reg. 230/80 - see Schedule to R.R.O. 1980)		344/81	June 6/81
Apportionment 1981 Requisitions.....		129/81	Mar. 28/81
amended.....		414/81	July 4/81
Apportionment 1982 Requisitions.....		199/82	Apr. 17/82
Apportionment 1983 Requisitions.....		223/83	Apr. 30/83
Apportionment 1984 Requisitions.....		43/84	Feb. 11/84
Apportionment 1985 Requisitions.....		129/85	Apr. 13/85
Apportionment 1986 Requisitions.....		114/86	Mar. 22/86
amended.....		597/86	Oct. 18/86
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amended.....		113/86	Mar. 22/86
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Calculation of Fees for Pupils, 1982.....		198/82	Apr. 17/82
Calculation of Fees for Pupils, 1983.....		222/83	Apr. 30/83
amended.....		279/84	May 19/84
Calculation of Fees for Pupils.....		42/84	Feb. 11/84
amended.....		131/85	Apr. 13/85
Calculation of Fees for Pupils.....		130/85	Apr. 13/85
amended.....		467/85	Oct. 5/85
Calculation of Fees for Pupils.....		115/86	Mar. 22/86
amended.....		595/86	Oct. 18/86
Calculation of Fees for Pupils, 1987.....		100/87	Mar. 14/87
Conditions for Extended Funding.....		102/87	Mar. 14/87
County Combined Separate School Zones.....	257		
amended.....		418/81	July 4/81
amended.....		454/86	Aug. 16/86
Designation of School Divisions in Territorial Districts.....	258		
amended.....		706/83	Nov. 19/83
amended.....		563/84	Sept. 15/84
amended.....		735/84	Dec. 1/84
amended.....		174/86	Apr. 12/86
amended.....		623/87	Dec. 5/87

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Designation of Teachers		71/87	Feb. 28/87
District Combined Separate School Zones	259		
amended		556/81	Sept. 5/81
amended		858/81	Jan. 9/82
amended		879/81	Jan. 16/82
amended		419/82	July 3/82
amended		568/82	Sept. 4/82
amended		74/83	Feb. 12/83
amended		637/83	Oct. 15/83
amended		124/84	March 10/84
amended		316/84	June 2/84
amended		671/84	Nov. 10/84
amended		242/85	June 1/85
amended		60/87	Feb. 21/87
District School Areas	260		
amended		636/83	Oct. 15/83
amended		690/85	Jan. 4/86
amended		690/85	Jan. 4/86
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Elementary and Secondary Schools and Schools for Trainable Retarded Pupils - General	262		
amended		416/81	July 4/81
amended		555/81	Sept. 5/81
amended		617/81	Oct. 3/81
amended		785/81	Dec. 5/81
amended		761/82	Dec. 4/82
amended		465/85	Oct. 5/85
amended		195/87	Apr. 25/87
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amended		713/81	Nov. 7/81
amended		573/84	Sept. 29/84
amended		689/85	Jan. 4/86
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General Legislative Grants, 1980 (this Reg. amends O.Reg. 228/80 - see Schedule to R.R.O. 1980)		343/81	June 6/81
General Legislative Grants, 1980 (this Reg. amends O.Reg. 228/80 - see Schedule to R.R.O. 1980)		55/83	Feb. 5/83
General Legislative Grants, 1981		127/81	Mar. 27/81
amended		56/83	Feb. 5/83
amended		415/83	July 16/83

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General Legislative Grants, 1982.....		197/82	Apr. 17/82
amended.....		416/83	July 16/83
General Legislative Grants, 1983.....		221/83	Apr. 30/83
amended.....		280/84	May 19/84
General Legislative Grants, 1984.....		44/84	Feb. 11/84
amended.....		241/85	June 1/85
amended.....		355/85	July 13/85
amended.....		636/85	Dec. 21/85
amended.....		512/86	Sept. 13/86
amended.....		701/87	Jan. 2/88
General Legislative Grants, 1985.....		128/85	Apr. 13/85
amended.....		466/85	Oct. 5/85
amended.....		112/86	Mar. 22/86
amended.....		511/86	Sept. 13/86
amended.....		513/86	Sept. 13/86
amended.....		702/87	Jan. 2/88
General Legislative Grants, 1986.....		116/86	Mar. 22/86
amended.....		596/86	Oct. 18/86
amended.....		704/87	Jan. 2/88
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amended.....		739/82	Nov. 20/82
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amended.....		418/82	July 3/82
amended.....		277/85	June 15/85
amended.....		669/86	Dec. 6/86
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amended.....		415/81	July 4/81
amended.....		417/81	July 4/81
amended.....		567/82	Sept. 4/82
amended.....		288/83	May 28/83
amended.....		27/84	Feb. 4/84
amended.....		231/84	Apr. 28/84
amended.....		451/84	July 28/84
amended.....		474/84	Aug. 18/84
amended.....		194/85	May 11/85
amended.....		111/86	Mar. 22/86
amended.....		175/86	Apr. 12/86
amended.....		222/86	May 10/86
amended.....		157/87	Apr. 11/87
amended.....		703/87	Jan. 2/88
Payment Transfer Between Coterminous Boards - 1987.....		101/87	Mar. 14/87

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amended		380/86	July 12/86
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School Year and School Holidays		822/82	Jan. 1/83
Special Education Identification Placement and Review Committees and Appeals		554/81	Sept. 5/81
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amended		553/81	Sept. 5/81
amended		62/82	Feb. 20/82
amended		77/86	Mar. 8/86
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Supervisory Officers	276		
amended		495/83	Aug. 20/83
amended		473/84	Aug. 18/84
amended		668/86	Dec. 6/86
Teachers' Contracts	277		
Training Assistance		705/87	Jan. 2/88
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General	278		
amended		47/81	Feb. 21/81
amended		819/81	Dec. 26/81
amended		500/85	Oct. 26/85
amended		711/87	Jan. 2/88
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ELEVATING DEVICES ACT			
General		229/81	Apr. 25/81
amended		803/82	Dec. 25/82
amended		463/86	Aug. 16/86
EMPLOYMENT AGENCIES ACT			
General	280		
amended		225/81	Apr. 25/81
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Ambulance Service Industry	281		
amended		94/81	Mar. 14/81
amended		803/83	Jan. 7/84
revoked		568/86	Oct. 11/86
Amending Certain Regulations		568/86	Oct. 11/86
Benefit Plans	282		
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amended		75/84	Feb. 25/84
amended		39/85	Feb. 9/85
amended (revoked by 308/87)		568/86	Oct. 11/86
Domestics, Nannies and Sitters		308/87	June 27/87
amended		533/87	Oct. 3/87
Fruit, Vegetable and Tobacco Harvesters	284		
amended		241/81	May 9/81
amended		342/84	June 16/84
amended		307/85	June 22/85
amended		568/86	Oct. 11/86
amended		300/87	June 20/87
Forms		444/87	Aug. 15/87
General	285		
amended		93/81	Mar. 14/81
amended		299/82	May 22/82
amended		802/83	Jan. 7/84
amended		189/84	Apr. 14/84
amended		2/86	Jan. 25/86
amended		568/86	Oct. 11/86
amended		301/87	June 20/87
amended		309/87	June 27/87
amended		534/87	Oct. 3/87
Residential Care Workers		440/82	July 10/82
Termination of Employment	286		
amended		495/82	Aug. 7/82
amended		531/83	Sept. 3/83
amended		301/84	May 26/84
amended		120/85	Mar. 23/85

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ENDANGERED SPECIES ACT			
Endangered Species	287		
amended		153/81	Apr. 4/81
amended		322/84	June 9/84
amended		252/87	May 30/87
ENERGY ACT			
Fuel Oil Code	288		
Gas Pipeline Systems (revoked by 450/84)	289		
Gas Pipeline Systems		450/84	July 28/84
amended		627/87	Dec. 5/87
Gas Utilization Code (revoked by 826/82)	290		
Gas Utilization Code		826/82	Jan. 1/83
Oil Pipeline Systems		626/87	Dec. 5/87
Oil Pipeline Transportation Systems	291		
amended		104/81	Mar. 14/81
amended (revoked by 626/87)		754/84	Dec. 15/84
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amended (revoked by 825/82)		135/81	Mar. 28/81
Propane Storage, Handling and Utilization Code		825/82	Jan. 1/83
amended		295/83	June 4/83
amended		522/84	Sept. 1/84
amended		838/84	Jan. 19/85
ENVIRONMENTAL ASSESSMENT ACT			
Designation - Fighting Island Rehabilitation		807/82	Dec. 25/82
Designation - Petro-Sun International Inc. and SNC Inc.		204/87	May 2/87
Designation - TSI Trintek Systems Inc.		710/87	Jan. 2/88
Exemption -			
Adelaide, The Corporation of the Township of -ADEL-TP-1		776/82	Dec. 11/82
Black River-Matheson, The Township of -BLAC-TWP-1		553/86	Oct. 4/86
Brockville, The Corporation of the City of - BROC-C-2		779/82	Dec. 11/82

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Chapleau, Corporation of the Township of - CHAP-TP-1		418/83	July 16/83
Credit Valley Conservation Authority - CDV-01		484/83	Aug. 20/83
- CDV-02		324/84	June 9/84
Drayton, The Corporation of the Village of - DRAY-V-1		810/83	Jan. 14/84
Dubreuilville, Corporation of the Improvement District of - DUBR-1D-I		3/83	Jan. 22/83
- DUBR-1D-2		653/83	Oct. 29/83
Dysart et al, The Corporation of the Township of - DYSA-TWP-1		494/86	Sept. 6/86
Essa, Corporation of the Township of - ESSA-TP-1		1/83	Jan. 22/83
Essex Region Conservation Authority - ESR-01		115/85	Mar. 23/85
Essex, The Corporation of the County of - ESSE-CT-1		70/87	Feb. 28/87
Fort Erie, Corporation of the Town of - FORT E-T-1		192/86	Apr. 26/86
Frontenac and Lennox and Addington (Counties of)		433/86	Aug. 16/86
Ganaraska Region Conservation Authority and the Corporation of the Town of Port Hope - PHOP-2		483/83	Aug. 20/83
Gloucester Hydro - GLOU-C-1		371/84	June 30/84
Gloucester Hydro-Electric Commission - GLOU-C-2		567/87	Oct. 24/87
Grimsby, Corporation of the Town of - GRIM-T-1		258/86	May 24/86
Haldimand-Norfolk, The Regional Municipality of - RMHN - 1		432/86	Aug. 16/86
Halton, The Regional Municipality of - HALT-RG-01		240/84	May 5/84
Hamilton, Corporation of the City of - HAMI-C-1		257/83	May 21/83
Hamilton Region Conservation Authority - HMR-01		468/82	July 24/82

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Hearst, Town of - HRST-T-1		576/86	Oct. 11/86
Highway No. 404		352/81	June 13/81
Huron, Township of - HUR-1		407/81	July 4/81
Ingersoll, Town of, Township of South-West Oxford - ING-1		762/86	Jan. 17/87
Johnson, Township of - JOHN-TWP-1		386/86	July 12/86
Kanata Hydro-Electric Commission - KANA-C-1		492/86	Sept. 6/86
Kapuskasing, The Corporation of the Town of - MUN-TWN-KAP-1		367/83	July 9/83
Kingston, Township of -MUN-1		123/81	Mar. 21/81
Kirkland Lake, The Corporation of the Town of, Community of Swastika -KIRK-T-1		601/84	Oct. 6/84
Markham Hydro - MARK-T-1		641/84	Oct. 27/84
- Electric Commission - MARK-T-2		372/86	July 12/86
Michipicoten, The Township of - MICH-TP-1		372/84	June 30/84
North Bay, Corporation of the City of - NORT-C-1		222/87	May 9/87
St. Catharines Hydro-Electric Commission - STCA-C-1		431/86	Aug. 16/86
Ministry of Citizenship and Culture - MCC-1		279/82	May 15/82
Ministry of Energy - Energy-1		655/81	Oct. 17/81
Ministry of the Environment - MOE-21		659/81	Oct. 17/81
- MOE-22		762/81	Nov. 28/81
- MOE-24		832/81	Jan. 2/82
- MOE-23		880/81	Jan. 16/82
- MOE-24/2		646/82	Oct. 16/82
- MOE-25		237/83	May 7/83
- MOE-26		664/83	Oct. 29/83
- MOE-27		179/84	Apr. 14/84

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- MOE-28		358/85	July 13/85
- MOE-29		386/85	Aug. 10/85
- MOE-30		632/85	Dec. 21/85
- MOE-32		334/86	June 28/86
- MOE-31		370/86	July 12/86
- MOE-33		411/87	July 25/87
- MOE-33/1		576/87	Oct. 31/87
Ministry of Government Services			
- MGS-43		23/81	Feb. 14/81
- MGS-44		318/81	May 30/81
- MGS-45		430/81	July 11/81
- MGS-46		658/81	Oct. 17/81
- MGS-47		761/81	Nov. 28/81
- MGS-49		170/82	Apr. 3/82
- MGS-48		263/82	May 8/82
- MGS-50		780/82	Dec. 11/82
- MGS-51		781/82	Dec. 11/82
- MGS-52		14/83	Jan. 22/83
- MGS-53		366/83	July 9/83
- MGS-54		35/84	Feb. 11/84
- MGS-55		34/84	Feb. 11/84
- MGS-56		273/84	May 19/84
- MGS-57		439/84	July 28/84
- MGS-58		440/84	July 28/84
- MGS-59		441/84	July 28/84
- MGS-62		112/85	Mar. 23/85
- MGS-61		113/85	Mar. 23/85
- MGS-66		448/85	Sept. 21/85
- MGS-65		471/85	Oct. 5/85
- MGS-67		125/86	Mar. 29/86
- MGS-64		257/86	May 24/86

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- MGS-68		371/86	July 12/86
- MGS-63		385/86	July 12/86
- MGS-71		493/86	Sept. 6/86
- MGS-70		495/86	Sept. 6/86
- MGS-72		624/86	Nov. 15/86
- MGS-73		659/86	Nov. 22/86
- MGS-76		552/87	Oct. 17/87
- MGS-78		608/87	Nov. 28/87
- MGS-75		614/87	Dec. 5/87
Ministry of Natural Resources			
- MNR-33		164/81	Apr. 4/81
- MNR-11/3		284/81	May 23/81
- MNR-17/2		347/81	June 6/81
- MNR-35		373/81	June 20/81
- MNR-19/3		431/81	July 11/81
- MNR-34		433/81	July 11/81
- MNR-32/2		653/81	Oct. 17/81
- MNR-36		710/81	Nov. 7/81
- MNR-31/2		882/81	Jan. 16/82
- MNR-19/4		883/81	Jan. 16/82
- MNR-37		194/82	Apr. 17/82
- MNR-11/4		261/82	May 8/82
- MNR-30/2		264/82	May 8/82
- MNR-39 (revoked by 320/83)		467/82	July 24/82
- MNR-38		614/82	Oct. 2/82
- MNR-40		681/82	Oct. 30/82
- MNR-35/2		10/83	Jan. 22/83
- MNR-19/5		11/83	Jan. 22/83
- MNR-41		12/83	Jan. 22/83
- MNR-11/5		13/83	Jan. 22/83
- MNR-39/2		320/83	June 11/83

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- MNR-30/3		348/83	June 25/83
- MNR-43		364/83	July 9/83
- MNR-11/6		417/83	July 16/83
- MNR-28/2		654/83	Oct. 29/83
- MNR-26/2		655/83	Oct. 29/83
- MNR-29/2		656/83	Oct. 29/83
- MNR-30/4		723/83	Dec. 3/83
- MNR-11/7		2/84	Jan. 21/84
- MNR-26/3		221/84	Apr. 28/84
- MNR-46		226/84	Apr. 28/84
- MNR-47		338/84	June 16/84
- MNR-11/8		442/84	July 21/84
- MNR-26/4		444/84	July 28/84
- MNR-50		536/84	Sept. 1/84
- MNR-49		613/84	Oct. 13/84
- MNR-39/3		660/84	Nov. 3/84
- MNR-30/5		710/84	Nov. 17/84
- MNR-35/3		711/84	Nov. 17/84
- MNR-11/9		2/85	Jan. 26/85
- MNR-44		3/85	Jan. 26/85
- MNR-42		109/85	Mar. 23/85
- MNR-39/4		470/85	Oct. 5/85
- MNR-30/6		576/85	Nov. 23/85
- MNR-39/5		193/86	Apr. 26/86
- MNR-30/7		657/86	Nov. 22/86
- MNR-39/6		193/87	Apr. 18/87
- MNR-52		369/87	July 11/87
- MNR-30/8		607/87	Nov. 28/87
- MNDM/MNR-1 (See Ministry of Northern Development and Mines)			

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Ministry of Northern Development and Mines and Ministry of Natural Resources - MNDM/MNR-1		15/87	Feb. 7/87
Ministry of Transportation and Communications - MTC-37		115/81	Mar. 14/81
- MTC-38		191/81	Apr. 18/81
- MTC-39		257/81	May 16/81
- MTC-40		406/81	July 4/81
- MTC-42		465/81	July 25/81
- MTC-43		654/81	Oct. 17/81
- MTC-41		657/81	Oct. 17/81
- MTC-44		660/81	Oct. 17/81
- MTC-45		735/81	Nov. 21/81
- MTC-47		736/81	Nov. 21/81
- MTC-46		737/81	Nov. 21/81
- MTC-48		739/81	Nov. 21/81
- MTC-50		16/83	Jan. 22/83
- MTC-51		148/83	Apr. 2/83
- MTC-52		707/83	Nov. 19/83
- MTC-53		809/83	Jan. 14/84
- MTC-55		110/85	Mar. 23/85
- MTC-54		168/85	Apr. 20/85
- MTC-56		148/87	Apr. 11/87
Marathon, The Corporation of the Township of - MARN-TP-1		658/86	Nov. 22/86
Mississauga, The Corporation of the City of - MISS-C-1		32/84	Feb. 4/84
Municipalities of Ontario - MUNI-1/2		333/86	June 28/86
Municipality of Metropolitan Toronto - METR-M-3		613/87	Dec. 5/87
- METRO-M-2		578/87	Nov. 7/87
Municipality of Metropolitan Toronto and Toronto Transit Commission-TTC-2		554/86	Oct. 4/86

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Nepean Hydro			
- NEPE-C-1		111/85	Mar. 23/85
- NEPE-C-2		577/85	Nov. 23/85
Niagara, The Regional Municipality of			
- NIAG-RG-1		496/86	Sept. 6/86
Ontario Energy Corporation			
- OEC-2/2		656/81	Oct. 17/81
- OEC-5		884/81	Jan. 16/82
Ontario Hydro			
- OH-23/2		875/81	Jan. 16/82
- OH-25		169/82	Apr. 3/82
- OH-26		539/82	Aug. 21/82
- OH-26/2		682/82	Oct. 30/82
- OH-27		2/83	Jan. 22/83
- OH-28		342/83	June 25/83
- OH-29		319/84	June 9/84
- OH-30		320/84	June 9/84
- OH-31		747/84	Dec. 8/84
- OH-32		359/85	July 13/85
- OH-13/2		578/85	Nov. 23/85
- OH-30/2		664/85	Jan. 4/86
- OH-29/2		665/85	Jan. 4/86
- OH-33		17/86	Feb. 1/86
- OH-24/2		14/87	Feb. 7/87
- OH-29/3		20/87	Feb. 7/87
- OH-30/3		21/87	Feb. 7/87
Ontario, Municipalities of			
- MUNI-1		300/84	May 26/84
- MUNI-2		114/85	Mar. 23/85
Ontario Northland Transportation Commission			
- MNA-4		285/81	May 23/81
- MNA-5		106/82	Mar. 13/82
- MNA-6		107/82	Mar. 13/82

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- MNA-7		54/83	Feb. 5/83
Oshawa, The Corporation of the City of - OSH-1		163/81	Apr. 4/81
Ottawa-Carleton, The Regional Municipality of - RMOC-RG-1		194/87	Apr. 18/87
Owen Sound, Corporation of the City of - OWEN-C-1		680/82	Oct. 30/82
Owens, Williamson and Idington, Township of - OWEN-TP-1		365/83	July 9/83
Oxford, County of - OXFO-CT-1		410/82	July 3/82
- OXFO-CT-2		443/84	July 28/84
Port Hope, The Corporation of the Town of - PHOP-T-1		788/81	Dec. 5/81
Rutherford and George Island, Township of - RUTH-1		44/86	Feb. 15/86
St. Clair College of Applied Arts and Technology - MCU-2		19/81	Feb. 7/81
South Lake Simcoe Conservation Authority - CA-SLS-1		379/81	June 20/81
- SLS-02		341/83	June 25/83
- SLS-03		340/83	June 25/83
Sydenham, Corporation of the Township of - SYDE-TP-1		196/83	Apr. 16/83
- SYDE-TP-2		600/84	Oct. 6/84
Tiny, Corporation of the Township of - TINY-TP-1		599/84	Oct. 6/84
Toronto Area Transit Operating Authority - MTC-49		532/82	Aug. 21/82
Toronto Area Transit Operating Authority (GO TRANSIT) - GT-1		551/87	Oct. 17/87
Toronto, City of - TOR-2		256/81	May 16/81
- TOR-2/1		647/82	Oct. 16/82
- TOR-3		15/83	Jan. 22/83
Toronto, (City of) and The City of Toronto Non-Profit Housing Corporation - TOR-1		126/81	Mar. 28/81

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- TOR-3		434/81	July 11/81
Toronto, The Metropolitan Toronto Housing Company Limited - METR-M-1 - METR-M-1		50/82	Feb. 20/82
Toronto, The Metropolitan Toronto and Region Conservation Authority		225/84	Apr. 28/84
Toronto, The Metropolitan Toronto and Region Conservation Authority - MTRCA-2		43/86	Feb. 15/86
Toronto, The Metropolitan Toronto and Region Conservation Authority - MTRCA-3		97/86	Mar. 15/86
Toronto, Municipality of Metropolitan -MERO-1		881/81	Jan. 16/82
-MERO-1/2		215/83	Apr. 30/83
Toronto Transit Commission -TTC-01		321/84	June 9/84
Urban Transportation Development Corporation Ltd. Metro Canada Limited -UTDC-2		405/81	July 4/81
Vaughan Hydro-Electric Commission - VAUG-T-1		368/87	July 11/87
Waterloo, The Regional Municipality of and The Corporation of the City of Cambridge - WATE-RG-1		387/86	July 12/86
Windsor Utilities Commission - WIND-C-1		325/86	June 21/86
York, The Corporation of The Regional Municipality of - YORK-RG-1		124/86	Mar. 29/86
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amended		383/81	June 20/81
amended		841/81	Jan. 2/82
amended		140/82	Mar. 27/82
amended		466/82	July 24/82
amended		775/82	Dec. 11/82
amended		414/83	July 16/83
amended		783/83	Dec. 31/83
amended		108/85	Mar. 23/85
amended		149/86	Apr. 5/86
amended (revoked by 205/87)		13/87	Feb. 7/87
General		205/87	May 2/87
Malvern Waste		710/83	Nov. 19/83
South Cayuga Sewage Works and Waste Disposal Sites	294		
revoked		522/81	Aug. 22/81

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Containers.....		623/85	Dec. 14/85
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amended.....		236/87	May 16/87
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amended.....		172/83	Apr. 9/83
amended.....		532/85	Nov. 9/85
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amended.....		107/85	Mar. 23/85
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amended.....		175/83	Apr. 16/83
amended.....		574/84	Sept. 29/84
amended.....		322/85	July 6/85
amended.....		464/85	Sept. 28/85
Hauled Liquid Industrial Waste Disposal Sites.....		808/81	Dec. 19/81

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Hot Mix Asphalt Facilities		469/87	Aug. 22/87
Inco Sudbury Smelter Complex - 1994		660/85	Jan. 4/86
Lambton Industry Meteorological Alert		151/81	Apr. 4/81
Malvern Waste		711/83	Nov. 19/83
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Mobile PCB Destruction Facilities		148/86	Apr. 5/86
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Ontario Hydro (revoked by 7/82)		73/81	Mar. 7/81
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Ontario Hydro (revoked by 281/87)		662/85	Jan. 4/86
Ontario Hydro		281/87	June 13/87
Refillable Containers for Carbonated Soft Drink		622/85	Dec. 14/85
amended		237/87	May 16/87
Sewage Systems (revoked by 374/81)		429/81	July 11/81
Sewage Systems		374/81	June 20/81
amended		842/81	Jan. 2/82
amended		139/82	Mar. 27/82
amended		515/82	Aug. 14/82
amended		290/83	May 28/83
amended		130/84	Mar. 17/84
amended		71/85	Feb. 23/85
amended		546/85	Nov. 16/85
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amended		575/84	Sept. 29/84
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Assignment of Powers and Duties Minister of Industry and Trade Development		135/82	Mar. 20/82
Assignment of Powers and Duties Minister of Tourism and Recreation		136/82	Mar. 20/82
Assignment of Powers and Duties Minister of Intergovernmental Affairs		400/82	June 26/82
Assignment of Powers and Duties Minister of Community and Social Services		660/83	Oct. 29/83
Assignment of Powers and Duties Minister of Health		671/83	Nov. 5/83
Assignment of Powers and Duties Minister of Municipal Affairs		375/85	Aug. 3/85
Assignment of Powers and Duties Minister of Industry, Trade and Technology		388/85	Aug. 17/85
Transfer of Administration of Act. Partnerships Act transferred from Attorney General to Minister of Consumer and Commercial Relations		56/81	Feb. 21/81
Transfer of Administration of Act. Administration of sections 161 and 162 of the Mining Act transferred to the Minister of Natural Resources		57/81	Feb. 21/81
Transfer of Administration of Act. Municipal Conflict of Interest Act transferred from Attorney General to Ministry of Intergovernmental Affairs		150/81	Apr. 4/81
Transfer of Administration. Administration and Control of the Council (Conseil des Affaires Franco-Ontariennes) transferred to the Minister of Intergovernmental Affairs		620/81	Oct. 10/81
Transfer of Administration of Act. Metropolitan Police Force Complaints Project Act, 1981 transferred from Solicitor General to Attorney General		133/82	Mar. 20/82
Transfer of Administration of Acts. Building Code Act and part of Ontario Water Resources Act transferred from Minister of Consumer and Commercial Relations to Minister of Municipal Affairs and Housing		82/83	Feb. 19/83

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Transfer of Administration of Act..... Teachers' Superannuation Act, 1983 transferred to the Treasurer of Ontario and Minister of Economics (revoked by 202/87)		173/84	Apr. 7/84
Transfer of Administration of Act..... Apprenticeship and Tradesmen's Qualification Act transferred to Minister of Skills Development		170/85	Apr. 20/85
Transfer of Administration of Acts..... Residential Tenancies Act and Residential Complexes Financing Costs Restraint Act, 1982 transferred to Minister of Municipal Affairs and Housing		264/85	June 8/85
Transfer of Administration of Acts..... to Minister of Housing		374/85	Aug. 3/85
Transfer of Administration of Acts..... Mining Tax Act, Ontario Mineral Exploration Program Act and Mining Act transferred to Minister of Northern Affairs and Mines (revoked by 631/85)		394/85	Aug. 17/85
Transfer of Administration of Acts..... Ministry of Northern Affairs Act, Ontario Northland Transportation Commission Act, Local Services Boards Act and duties under subsection 2(5) of Road Access Act transferred to Minister of Northern Affairs and Mines (revoked by 631/85)		396/85	Aug. 17/85
Transfer of Administration of Act..... Niagara Escarpment Planning and Development Act transferred to Minister of Municipal Affairs		422/85	Sept. 7/85
Transfer of Administration of Act..... Mining Act, (part)		505/85	Oct. 26/85
Transfer of Administration of Act..... Public Service Superannuation Act		616/85	Dec. 14/85
Transfer of Administration of Acts..... Mining Act (part), Mining Tax Act, Ontario Mineral Exploration Program Act, Ministry of Northern Affairs Act, Ontario Northland Transportation Commission Act, Local Services Boards Act, Road Access Act (part) (expired)		631/85	Dec. 21/85
Transfer of Administration of Acts..... Minister of Financial Institutions		417/86	Aug. 2/86

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Transfer of Administration of Act..... Mining Tax Act		418/86	Aug. 2/86
Transfer of Administration of Acts..... Minister of Government Services		166/87	Apr. 11/87
Transfer of Administration of Acts..... Minister of Consumer and Commercial Relations		181/87	Apr. 18/87
Transfer of Administration of Acts..... Minister of Education		202/87	Apr. 25/87
Transfer of Administration of Acts..... Minister of Municipal Affairs		536/87	Oct. 10/87
Transfer of Administration of Acts..... Minister of Culture and Communications		563/87	Oct. 24/87
Transfer of Administration of Acts..... Minister of Culture and Communications		564/87	Oct. 24/87
Transfer of Administration of Act..... Minister of Citizenship		565/87	Oct. 24/87
Transfer of Administration of Acts..... Minister of Transportation		566/87	Oct. 24/87
Transfer of Administration of Acts..... Minister of Northern Development and Minister of Mines		571/87	Oct. 31/87
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General.....		43/85	Feb. 9/85
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amended.....		163/87	Apr. 11/87
F			
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General.....	318		
amended.....		51/81	Feb. 21/81

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amended		273/81	May 16/81
amended		483/81	Aug. 1/81
amended		634/81	Oct. 17/81
amended		700/81	Nov. 7/81
amended		721/81	Nov. 14/81
amended		71/82	Feb. 20/82
amended		121/82	Mar. 20/82
amended		314/82	May 22/82
amended		404/82	June 26/82
amended		424/82	July 3/82
amended		459/82	July 17/82
amended		551/82	Aug. 21/82
amended		654/82	Oct. 16/82
amended		721/82	Nov. 13/82
amended		727/82	Nov. 13/82
amended		847/82	Jan. 8/83
amended		73/83	Feb. 12/83
amended		276/83	May 21/83
amended		360/83	July 9/83
amended		462/83	Aug. 6/83
amended		480/83	Aug. 13/83
amended		557/83	Sept. 17/83
amended		690/83	Nov. 12/83
amended		700/83	Nov. 19/83
amended		784/83	Jan. 7/84
amended		65/84	Feb. 18/84
amended		216/84	Apr. 28/84
amended		312/84	June 2/84
amended		498/84	Aug. 18/84
amended		706/84	Nov. 17/84
amended		709/84	Nov. 17/84
amended		748/84	Dec. 15/84
amended		825/84	Jan. 19/85
amended		29/85	Feb. 9/85
amended		136/85	Apr. 20/85
amended		207/85	May 25/85
amended		402/85	Aug. 17/85
amended		484/85	Oct. 19/85
amended		555/85	Nov. 16/85
amended		595/85	Dec. 7/85
amended		676/85	Jan. 4/86
amended		49/86	Feb. 15/86
amended		165/86	Apr. 12/86
amended		245/86	May 17/86
amended		396/86	July 12/86
amended		444/86	Aug. 16/86
amended		504/86	Sept. 13/86
amended		638/86	Nov. 15/86
amended		643/86	Nov. 15/86
amended		740/86	Jan. 3/87
amended		742/86	Jan. 3/87
amended		40/87	Feb. 14/87
amended		169/87	Apr. 18/87
amended		227/87	May 9/87
amended		379/80	July 11/87
amended		380/87	July 11/87
amended		453/87	Aug. 15/87
amended		589/87	Nov. 14/87
amended		592/87	Nov. 14/87
amended		683/87	Dec. 26/87
amended		712/87	Jan. 2/88

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FAMILY LAW ACT, 1986			
Designation of Matrimonial Home - Forms.....		95/86	Mar. 8/86
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FARM INCOME STABILIZATION ACT			
Apple Stabilization, 1983-1987 - Plan.....		431/83	July 23/83
amended.....		285/85	June 22/85
amended.....		656/85	Jan. 4/86
amended.....		657/85	Jan. 4/86
amended.....		190/86	Apr. 26/86
amended.....		510/86	Sept. 13/86
amended.....		187/87	Apr. 18/87
amended.....		492/87	Sept. 12/87
amended.....		660/87	Dec. 19/87
Barley Stabilization, 1982-1984 - Plan.....		668/82	Oct. 23/82
amended.....		596/83	Oct. 15/83
amended.....		750/83	Dec. 17/83
amended.....		793/83	Jan. 7/84
amended..... (revoked by 580/87)		554/84	Sept. 8/84
Corn - 1981 Crop Year (Base prices, etc.)..... (revoked by 580/87)		36/83	Feb. 5/83
Corn Stabilization, 1977 - Plan..... (this Reg. amends O.Reg. 365/78) (revoked by 580/87)		293/81	May 23/81
Corn Stabilization, 1979-1981 - Plan.....	320		
amended..... (revoked by 669/82)		294/81	May 23/81
Corn Stabilization, 1982-1984 - Plan.....		669/82	Oct. 23/82
amended.....		598/83	Oct. 15/83
amended.....		749/83	Dec. 17/83
amended.....		791/83	Jan. 7/84
amended.....		218/84	April 28/84
amended..... (revoked by 580/87)		555/84	Sept. 8/84
Enrolment in Plans and Transfer of Credits.....		292/81	May 23/81
Fresh Market Potato Stabilization, 1986-1989 - Plan.....		585/86	Oct. 18/86
amended.....		493/87	Sept. 12/87
Grain Stabilization, 1985-1988 - Plan.....		509/85	Oct. 26/85
amended.....		586/86	Oct. 18/86
amended.....		587/86	Oct. 18/86

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amended		183/87	Apr. 18/87
amended		477/87	Aug. 29/87
amended		530/87	Sept. 26/87
Soybeans - 1981 Crop Year (Base prices, etc.) (revoked by 580/87)		35/83	Feb. 5/83
Soybean Stabilization, 1979-1981 - Plan	321		
amended		295/81	May 23/81
(revoked by 672/82)			
Soybean Stabilization, 1982-1984 - Plan		672/82	Oct. 23/82
amended		597/83	Oct. 15/83
amended		748/83	Dec. 17/83
amended		792/83	Jan. 7/84
amended		558/84	Sept. 8/84
amended		645/85	Dec. 28/85
To Revoke Certain Regulations		580/87	Nov. 7/87
Weaner Pig Stabilization, 1980-1985 - Plan	322		
amended		460/82	July 17/82
amended		792/82	Dec. 18/82
amended		132/83	Mar. 26/83
amended		97/84	Mar. 3/84
amended		482/84	Aug. 18/84
amended		722/84	Nov. 24/84
amended		11/85	Jan. 26/85
(revoked by 580/87)			
White Bean Stabilization, 1979-1981 - Plan	323		
amended		296/81	May 23/81
(revoked by 670/82)			
White Bean Stabilization, 1982-1984 - Plan		670/82	Oct. 23/82
amended		599/83	Oct. 15/83
amended		752/83	Dec. 17/83
amended		98/84	Mar. 3/84
amended		557/84	Sept. 8/84
(revoked by 580/87)			
Winter Wheat Stabilization, 1979-1981 - Plan	324		
amended		297/81	May 23/81
(revoked by 671/82)			
Winter Wheat Stabilization, 1982-1984 - Plan		671/82	Oct. 23/82
amended		600/83	Oct. 15/83
amended		751/83	Dec. 17/83
amended		556/84	Sept. 8/84
amended		48/85	Feb. 16/85
(revoked by 580/87)			
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revoked.....		629/84	Oct. 20/84
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amended.....		659/83	Oct. 29/83
(revoked by 653/87)			
Flue-Cured Tobacco.....		653/87	Dec. 19/87
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amended.....		765/81	Dec. 5/81
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amended.....		764/81	Dec. 5/81
amended.....		114/83	Mar. 19/83
amended.....		702/83	Nov. 19/83
amended.....		217/84	Apr. 28/84
amended.....		433/84	July 21/84
amended.....		460/85	Sept. 28/85
amended.....		583/86	Oct. 18/86
amended.....		529/87	Sept. 26/87
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amended.....		766/81	Dec. 5/81
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Veal Carcasses.....	336		
amended.....		767/81	Dec. 5/81
Grain.....		653/84	Nov. 3/84
amended.....		351/86	June 28/86
Honey..... (revoked by 399/82)	337		
Honey.....		399/82	June 26/82
Licences..... (revoked by 253/86)	338		
Licences.....		253/86	May 24/86
Maple Products.....	339		
amended.....		72/85	Feb. 23/85
Potatoes.....		527/87	Sept. 26/87

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Apples -			
Plan	340		
amended		490/82	Aug. 7/82
amended		735/86	Jan. 3/87
Marketing	341		
amended		331/82	June 5/82
amended		385/84	July 7/84
amended		618/84	Oct. 20/84
amended		68/85	Feb. 23/85
amended		260/85	June 8/85
amended		194/86	Apr. 26/86
amended		736/86	Jan. 3/87
Arbitration of Disputes	342		
Asparagus -			
Plan	343		
Marketing	344		
amended		569/81	Sept. 12/81
amended		173/82	Apr. 10/82
amended		170/84	Apr. 7/84
amended		190/85	May 11/85
amended		506/85	Oct. 26/85
Beans -			
Plan	345		
amended		665/82	Oct. 23/82
amended		647/87	Dec. 19/87
amended		648/87	Dec. 19/87
Marketing	346		
amended		408/84	July 14/84
amended		506/85	Oct. 26/85
amended		649/87	Dec. 19/87
Berries for Processing -			
Plan	347		
Marketing	348		
amended		506/85	Oct. 26/85
Broiler and Roaster Hatching Eggs and Chicks -			
Plan		429/83	July 16/83
Marketing		436/83	July 23/83
amended		22/84	Jan. 28/84
amended		70/85	Feb. 23/85
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Marketing	350		
amended		366/82	June 12/82
amended (revoked by 737/84)		330/83	June 18/83

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Plan	351		
amended		259/85	June 8/85
Marketing	352		
amended		506/85	Oct. 26/85
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amended		283/85	June 22/85
Chicken - Extension of Powers	354		
Chickens -			
Plan		736/84	Dec. 1/84
amended		297/87	June 20/87
Marketing		737/84	Dec. 1/84
Eggs -			
Extension of Powers	355		
Plan	356		
amended		570/81	Sept. 12/81
amended		31/82	Feb. 13/82
amended		430/83	July 16/83
Marketing	357		
amended		610/81	Oct. 3/81
amended		687/81	Oct. 31/81
amended		435/83	July 23/83
Marketing Limitations	358		
Fresh Grapes -			
Plan	359		
Marketing	360		
amended		692/84	Nov. 17/84
Fresh Potatoes -			
Plan	361		
Marketing	362		
amended		526/81	Aug. 22/81
amended		419/83	July 16/83
amended		506/85	Oct. 26/85
Grapes for Processing -			
Plan	363		
Marketing	364		
amended		189/85	May 11/85
amended		506/85	Oct. 26/85
Greenhouse Vegetables -			
Plan	365		
Marketing	366		
amended		772/83	Dec. 24/83
amended		473/85	Oct. 5/85

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Hogs -			
Plan	367		
amended		179/85	May 4/85
Marketing	368		
amended		180/85	May 4/85
amended		506/85	Oct. 26/85
Local Boards	369		
amended		322/83	June 11/83
amended		284/85	June 22/85
Potatoes -			
Plan	370		
Marketing	371		
amended		108/81	Mar. 14/81
amended		96/84	Mar. 3/84
amended		506/85	Oct. 26/85
amended		195/86	Apr. 26/86
Processing Tomato Seedling Plants -			
Plan	372		
Marketing	373		
amended		506/85	Oct. 26/85
amended		196/86	Apr. 26/86
Rutabagas -			
Dissolution of Local Board		650/84	Nov. 3/84
Plan	374		
revoked		386/87	July 18/87
Marketing	375		
Seed Corn -			
Plan	376		
amended		66/83	Feb. 12/83
Marketing	377		
amended		114/82	Mar. 13/82
amended		67/83	Feb. 12/83
amended		506/85	Oct. 26/85
Sheep -			
Plan		262/85	June 8/85
Marketing		263/85	June 8/85
amended		584/87	Nov. 14/87
Soya Beans -			
Plan	378		
amended		34/83	Feb. 5/83
amended		650/86	Nov. 15/86
Marketing	379		
amended		640/84	Oct. 27/84
amended		163/85	Apr. 20/85
Sugar Beets - Dissolution of Local Board		474/82	July 24/82

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Tender Fruit -			
Plan	380		
Marketing	381		
amended		506/85	Oct. 26/85
amended		613/86	Nov. 1/86
To Amend Certain Regulations		506/85	Oct. 26/85
Tobacco -			
Plan	382		
amended		21/86	Feb. 1/86
amended		531/87	Sept. 26/87
Marketing	383		
amended		321/83	June 11/83
amended		619/84	Oct. 20/84
amended		652/85	Dec. 28/85
amended		23/86	Feb. 8/86
amended		298/87	June 20/87
Turkeys -			
Plan	384		
amended		100/83	Mar. 5/83
Marketing	385		
amended		325/81	May 30/81
amended		506/85	Oct. 26/85
Marketing Limitations	386		
Vegetables for Processing -			
Plan	387		
amended		389/83	July 9/83
amended		560/85	Nov. 16/85
amended		649/86	Nov. 15/86
amended		650/87	Dec. 19/87
Marketing	388		
amended		115/82	Mar. 13/82
amended		20/83	Jan. 29/83
amended		116/84	Mar. 10/84
amended		69/85	Feb. 23/85
amended		174/85	Apr. 27/85
amended		506/85	Oct. 26/85
amended		108/86	Mar. 22/86
amended		123/86	Mar. 29/86
amended		86/87	Mar. 7/87
amended		583/87	Nov. 14/87
Wheat -			
Plan	389		
amended		224/82	Apr. 24/82
Marketing	390		
amended		506/85	Oct. 26/85
FARM PRODUCTS PAYMENTS ACT			
Fund for Egg Producers		828/81	Dec. 26/81
amended		491/82	Aug. 7/82
amended		513/84	Aug. 25/84

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Fund for Live Stock Producers.....		368/82	June 12/82
amended.....		525/82	Aug. 21/82
amended.....		347/84	June 16/84
Fund for Milk and Cream Producers.....	391		
amended.....		275/85	June 15/85
amended.....		561/85	Nov. 16/85
Fund for Producers of Grain Corn.....		651/84	Nov. 3/84
amended.....		139/87	Apr. 4/87
amended.....		494/87	Sept. 12/87
Fund for Producers of Potatoes for Processing.....		528/87	Sept. 26/87
Fund for Producers of Soya-Beans.....		652/84	Nov. 3/84
amended.....		140/87	Apr. 4/87
amended.....		495/87	Sept. 12/87
Fund for Producers of Vegetables For Processing.....		348/84	June 16/84
FIRE DEPARTMENTS ACT			
Filing in Supreme Court Decision of Arbitrator or Arbitration Board.....	392		
Standards for Pumpers.....	393		
FIRE MARSHALS ACT			
Fire Code.....		730/81	Nov. 21/81
amended.....		251/83	May 14/83
amended..... (revoked by 67/87)		425/84	July 14/84
Fire Code.....		67/87	Feb. 28/87
General	394		
amended.....		840/84	Jan. 19/85
FISH INSPECTION ACT			
Quality Control.....	395		
FOREST FIRES PREVENTION ACT			
Fire Regions.....	396		
amended.....		207/84	Apr. 28/84
amended.....		13/86	Feb. 1/86
Restricted Fire Zone..... (expired)		283/81	May 23/81
Restricted Fire Zone.....		348/81	June 6/81
revoked.....		353/81	June 13/81
Restricted Fire Zone..... (expired)		469/81	Aug. 1/81
Restricted Fire Zone.....		514/81	Aug. 15/81
revoked.....		524/81	Aug. 22/81

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Restricted Fire Zone..... (expired)		523/81	Aug. 22/81
Restricted Fire Zone..... (expired)		287/82	May 15/82
Restricted Fire Zone..... (expired)		227/83	May 7/83
Restricted Fire Zone..... (revoked by 409/83)		397/83	July 9/83
Restricted Fire Zone.....		398/83	July 9/83
revoked.....		409/83	July 16/83
Restricted Fire Zone..... (expired)		317/84	June 2/84
Restricted Fire Zone..... (expired)		567/84	Sept. 15/84
Restricted Fire Zone..... (expired)		572/84	Sept. 29/84
Restricted Fire Zone..... (expired)		178/85	May 4/85
Restricted Fire Zone..... (expired)		304/86	June 7/86
Restricted Fire Zone..... (expired)		305/86	June 7/86
Restricted Fire Zone.....		306/86	June 7/86
Restricted Fire Zone..... (expired)		308/86	June 14/86
Restricted Fire Zone..... (expired)		309/86	June 14/86
Restricted Fire Zone..... (expired)		310/86	June 14/86
Restricted Fire Zone..... (expired)		311/86	June 14/86
Restricted Fire Zone.....		314/86	June 14/86
revoked.....		321/86	June 21/86
Restricted Fire Zone..... (expired)		315/86	June 14/86
Restricted Fire Zone.....		316/86	June 14/86
revoked.....		321/86	June 21/86
Restricted Fire Zone.....		317/86	June 14/86
revoked.....		321/86	June 21/86
Restricted Fire Zone..... (expired)		326/86	June 28/86

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Restricted Fire Zone..... (expired)		329/86	June 28/86
Restricted Fire Zone..... (expired)		363/86	July 5/86
Restricted Fire Zone.....		221/87	May 9/87
Restricted Fire Zone..... (expired)		232/87	May 16/87
Restricted Fire Zone.....		244/87	May 23/87
revoked.....		273/87	June 6/87
Restricted Fire Zones.....		254/87	May 30/87
amended.....		259/87	May 30/87
amended.....		274/87	June 6/87
amended.....		279/87	June 6/87
amended..... (expired)		280/87	June 6/87
Restricted Fire Zones.....		351/87	July 4/87
amended.....		385/87	July 11/87
amended.....		395/87	July 18/87
FORESTRY ACT			
Nurseries.....	397		
amended.....		30/83	Feb. 5/83
amended.....		514/84	Aug. 25/84
amended.....		466/86	Aug. 23/86
FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT, 1987			
General.....		532/87	Sept. 26/87
amended.....		601/87	Nov. 21/87
amended.....		677/87	Dec. 26/87
FRESHWATER FISH MARKETING ACT (ONTARIO)			
General.....	398		
amended.....		777/81	Dec. 5/81
FUEL TAX ACT, 1981			
General.....		772/82	Dec. 11/82
amended.....		140/83	Mar. 26/83
amended.....		381/83	July 9/83
amended.....		387/83	July 9/83
amended.....		267/84	May 12/84
amended.....		602/84	Oct. 6/84
amended.....		775/84	Dec. 22/84
amended.....		185/85	May 11/85
amended.....		243/85	June 8/85
amended.....		104/86	Mar. 15/86
amended.....		546/86	Sept. 20/86
amended.....		197/87	Apr. 25/87
amended.....		251/87	May 30/87
amended.....		340/87	June 27/87
amended.....		372/87	July 11/87

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General		778/82	Dec. 11/82
amended		426/83	July 16/83
amended		510/83	Aug. 27/83
amended		604/83	Oct. 15/83
amended		643/83	Oct. 29/83
amended		266/84	May 12/84
amended		255/85	June 8/85
amended		448/86	Aug. 16/86
amended		303/87	June 20/87
amended		676/87	Dec. 26/87
Grants for Farm Fuel Storage Tanks		689/82	Oct. 30/82
Grants for Fuel Storage and Transportation Tanks and Other Facilities		225/82	May 1/82
amended		771/82	Dec. 11/82
Taxable Price and Tax Payable on Fuel to Propel Motor Vehicles and Railway Equipment		579/82	Sept. 11/82
amended		638/82	Oct. 16/82
amended		843/82	Jan. 8/83
amended		187/83	Apr. 16/83
amended		411/83	July 16/83
amended		631/83	Oct. 15/83
amended		805/83	Jan. 14/84
amended		180/84	Apr. 14/84
amended		414/84	July 14/84
revoked		296/86	June 7/86
FUNERAL SERVICES ACT			
General	399		
amended		558/81	Sept. 5/81
amended		560/83	Sept. 17/83
amended		675/83	Nov. 5/83
amended		362/86	July 5/86
FUR FARMS ACT			
General	400		
amended		321/81	May 30/81
G			
GAME AND FISH ACT			
Amphibians		470/81	Aug. 1/81
Animals Declared to be Fur-Bearing Animals	401		
amended		692/81	Nov. 7/81
Aylmer Hunting Area		29/81	Feb. 14/81
Aylmer Lagoon Hunting Area	402		
Bag Limit for Black Bear	403		

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Beaver Meadow Hunting Area		477/85	Oct. 5/85
Bobwhite Quail, Wild Turkey and Pheasant - Propagation and Sales	404		
amended		446/81	July 18/81
amended		517/86	Sept. 20/86
(revoked by 578/86)			
Bows and Arrows	405		
Bullfrogs	406		
amended		565/81	Sept. 12/81
(revoked by 694/81)			
Bullfrogs		694/81	Nov. 7/81
amended		522/86	Sept. 20/86
Calton Swamp Hunting Area		30/81	Feb. 14/81
Camden Lake Hunting Area	407		
Copeland Forest Hunting Area	408		
(revoked by 693/81)			
Copeland Forest Hunting Area		693/81	Nov. 7/81
amended		563/83	Sept. 24/83
Crown Game Preserves	409		
amended		27/82	Feb. 13/82
amended		517/85	Nov. 2/85
Discharge of Fire-Arms From or Across Highways and Roads	410		
amended		113/81	Mar. 14/81
amended		388/81	June 27/81
Discharge of Fire-Arms on Sunday	411		
Fingal Hunting Area		28/81	Feb. 14/81
Fire-Arms - Aulneau Peninsula	412		
amended		428/82	July 3/82
amended		523/86	Sept. 20/86
Fishing Huts	413		
amended		753/81	Nov. 28/81
amended		24/82	Feb. 13/82
amended		380/85	Aug. 10/85
amended		71/86	Mar. 1/86
amended		574/86	Oct. 11/86
Fishing Licences	414		
amended		218/81	Apr. 25/81
amended		647/81	Oct. 17/82
amended		835/81	Jan. 2/82
amended		629/82	Oct. 9/82
amended		645/83	Oct. 29/83
amended		41/84	Feb. 11/84
amended		254/84	May 12/84
amended		756/84	Dec. 15/84
amended		15/85	Feb. 9/85
(revoked by 526/86)			

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Fishing Licences		526/86	Sept. 20/86
Furs	415		
amended		154/81	Apr. 4/81
amended		857/81	Jan. 9/82
amended		203/82	Apr. 24/82
amended		627/82	Oct. 9/82
amended		621/83	Oct. 15/83
amended		700/84	Nov. 17/84
amended		701/84	Nov. 17/84
amended		4/85	Jan. 26/85
amended		519/85	Nov. 2/85
amended		521/85	Nov. 2/85
amended		518/86	Sept. 20/86
amended		598/86	Oct. 18/86
amended		573/87	Oct. 31/87
amended		628/87	Dec. 5/87
Fur Harvest, Fur Management and Conservation Course		154/82	Apr. 3/82
Game Bird Hunting Preserves	416		
amended		447/81	July 18/84
Game Birds-Captivity, Propagation or Sale		578/86	Oct. 11/86
amended		673/86	Dec. 6/86
Guides	417		
amended		500/81	Aug. 15/81
Horwood Lake Hunting Area		26/81	Feb. 14/81
amended		124/82	Mar. 20/82
amended		497/82	Aug. 7/82
revoked		128/83	Mar. 26/83
Hullett Hunting Area		628/82	Oct. 9/82
amended		594/83	Oct. 15/83
amended		547/84	Sept. 8/84
Hunter Safety Training Course	418		
Hunting in Lake Superior Provincial Park	419		
amended		125/82	Mar. 20/82
amended		130/83	Mar. 26/83
amended		220/85	June 1/85
Hunting in Larose Forest		476/85	Oct. 5/85
Hunting Licences	420		
amended		217/81	Apr. 25/81
amended		502/81	Aug. 15/81
amended		187/82	Apr. 10/82
amended		397/82	June 26/82
amended		499/82	Aug. 7/82
amended		683/82	Oct. 30/82
amended		127/83	Mar. 26/83
amended		138/83	Mar. 26/83
amended		155/83	Apr. 2/83
amended		376/83	July 9/83
amended		492/83	Aug. 20/83
amended		184/84	Apr. 14/84
amended		185/84	Apr. 14/84

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amended		186/84	Apr. 14/84
amended		699/84	Nov. 17/84
amended		781/84	Dec. 29/84
amended		219/85	June 1/85
amended		221/85	June 1/85
amended		624/85	Dec. 14/85
amended		84/86	Mar. 8/86
amended		335/86	June 28/86
amended		519/86	Sept. 20/86
amended		520/86	Sept. 20/86
amended		524/86	Sept. 20/86
amended		525/86	Sept. 20/86
amended		688/86	Dec. 13/86
amended		27/87	Feb. 7/87
amended		62/87	Feb. 21/87
amended		132/87	Mar. 28/87
amended		410/87	July 25/87
amended		464/87	Aug. 22/87
amended		499/87	Sept. 12/87
amended		629/87	Dec. 5/87
amended		719/87	Jan. 9/88
Hunting on Crown Lands in the Geographic Townships of Bruton and Clyde	421		
amended		247/83	May 14/83
Hunting on Designated Crown Land and in Provincial Parks	422		
amended		127/82	Mar. 20/82
amended		347/83	June 25/83
amended		681/83	Nov. 12/83
amended		323/84	June 9/84
amended		411/84	July 14/84
amended		624/84	Oct. 20/84
amended		44/85	Feb. 16/85
amended		83/85	Mar. 9/85
amended		280/85	June 15/85
amended		516/85	Nov. 2/85
amended		10/86	Feb. 1/86
amended		398/86	July 19/86
amended		521/86	Sept. 20/86
amended		565/86	Oct. 11/86
amended		636/87	Dec. 19/87
Lake St. Lawrence Hunting Area	423		
Licence to Chase Raccoon at Night and Fox, Coyote or Wolf During the Day		233/82	May 1/82
Licence to Possess Nets	424		
Luther Marsh Hunting Area	425		
Nashville Tract Hunting Area		487/86	Aug. 30/86
Navy Island Hunting Area		645/81	Oct. 17/81
amended		156/83	Apr. 2/83
Opasatika Hunting Area		27/81	Feb. 14/81
amended		126/82	Mar. 20/82
amended		496/82	Aug. 7/82
revoked		129/83	Mar. 26/83

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Open Seasons -			
Black Bear	426		
amended		339/82	June 12/82
amended		493/83	Aug. 20/83
amended		327/85	July 6/85
amended		118/86	Mar. 29/86
amended		28/87	Feb. 7/87
amended		133/87	Mar. 28/87
Fur Bearing Animals	427		
amended		671/81	Oct. 24/81
amended		146/83	Apr. 2/83
amended		306/83	June 4/83
amended		308/84	June 2/84
amended		381/85	Aug. 10/85
Game Birds		501/81	Aug. 15/81
amended		156/82	Apr. 3/82
amended		192/83	Apr. 16/83
amended		508/84	Aug. 25/84
amended		782/84	Dec. 29/84
amended		218/85	June 1/85
amended		328/85	July 6/85
amended		687/86	Dec. 13/86
amended		673/87	Dec. 26/87
Moose and Deer	428		
amended		471/81	Aug. 1/81
amended		591/81	Sept. 19/81
amended		644/81	Oct. 17/81
amended		157/82	Apr. 3/82
amended		297/82	May 22/82
amended		498/82	Aug. 7/82
amended		684/82	Oct. 30/82
amended		137/83	Mar. 26/83
amended		219/83	Apr. 30/83
amended		331/83	June 18/83
amended		494/83	Aug. 20/83
amended		229/84	Apr. 28/84
amended		507/84	Aug. 25/84
amended		14/85	Feb. 9/85
amended		217/85	June 1/85
amended		326/85	July 6/85
amended		83/86	Mar. 8/86
amended		336/86	June 28/86
amended		486/86	Aug. 30/86
amended		516/86	Sept. 20/86
amended		209/87	May 2/87
amended		409/87	July 25/87
Rabbits and Squirrels		421/81	July 11/81
amended		171/82	Apr. 3/82
amended		150/83	Apr. 2/83
amended		213/85	June 1/85
amended		321/85	June 29/85
Orangeville Reservoir Hunting Area	429		
amended		595/83	Oct. 15/83
Permit to Export Game	430		
Petroglyphs Provincial Park Hunting Area		646/81	Oct. 17/81

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Polar Bears	431		
Possession and Use of Fire-Arms in Darlington Provincial Park	432		
revoked		11/86	Feb. 1/86
Prohibition of Hunting and Possession of Fire-Arms		637/87	Dec. 19/87
Reporting and Registering Possession of Certain Game		217/86	May 10/86
Reptiles		397/84	July 7/84
Sale of Bass and Trout and Fishing Preserves	433		
amended		755/84	Dec. 15/84
Snares		156/81	Apr. 4/81
amended		579/86	Oct. 11/86
amended		674/87	Dec. 26/87
Stag Island Hunting Area	434		
Tiny Marsh Hunting Area	435		
amended		520/85	Nov. 2/85
amended		399/86	July 19/86
Trap-Line Areas	436		
amended		338/82	June 12/82
amended		475/84	Aug. 18/84
Traps		673/82	Oct. 23/82
amended		377/83	July 9/83
amended		5/85	Jan. 26/85
amended		329/85	July 6/85
Traps - Order under Subsection 30(4) of the Act		155/81	Apr. 4/81
Waters Set Apart - Frogs	437		
Wildlife Management Units		155/82	Apr. 3/82
amended		685/82	Oct. 30/82
amended		509/84	Aug. 25/84
amended		325/85	July 6/85
amended		518/85	Nov. 2/85
amended		337/86	June 28/86
amended		488/86	Aug. 30/86
amended		638/87	Dec. 19/87
Wolves and Black Bears in Captivity	438		
GASOLINE HANDLING ACT			
Gasoline Handling Code	439		
amended		136/81	March 28/81
amended		436/82	July 10/82
amended		561/83	Sept. 17/83

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GASOLINE TAX ACT			
General	440		
amended		179/81	Apr. 11/81
amended		547/81	Sept. 5/81
amended		626/81	Oct. 10/81
amended		37/82	Feb. 13/82
amended		246/82	May 1/82
amended		269/82	May 8/82
amended		386/83	July 9/83
amended		509/83	July 27/83
amended		603/83	Oct. 15/83
amended		648/84	Oct. 27/84
amended		254/85	June 8/85
amended		542/86	Sept. 20/86
amended		685/86	Dec. 13/86
General		648/86	Nov. 15/86
Taxable Prices and Tax on Gasoline and Aviation Fuel		441/81	July 11/81
amended		631/81	Oct. 10/81
amended		872/81	Jan. 16/82
amended		184/82	Apr. 10/82
amended		449/82	July 17/82
amended		639/82	Oct. 16/82
amended		842/82	Jan. 8/83
amended		186/83	Apr. 16/83
amended		412/83	July 16/83
amended		632/83	Oct. 15/83
amended		806/83	Jan. 14/84
amended		181/84	Apr. 14/84
amended		415/84	July 14/84
(revoked by 648/86)			
GENERAL SESSIONS ACT (See now Courts of Justice Act, 1984)			
Sittings of the General Sessions of the Peace for the Judicial District of Haldimand		11/81	Jan. 31/81
(expired)			
Sittings of the General Sessions of the Peace for the County of Peterborough		340/81	June 6/81
(expired)			
Sittings of the General Sessions of the Peace for the Judicial District of Peel		341/81	June 6/81
(expired)			
Sittings of the General Sessions of the Peace for the Counties and Districts of Ontario		853/81	Jan. 9/82
(expired)			
Sittings of the General Sessions of the Peace for the District of Muskoka		385/82	June 19/82
(expired)			

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Sittings of the General Sessions of the Peace for the Judicial District of Peel..... (expired)		386/82	June 19/82
Sittings of the General Sessions of the Peace for the County of Peterborough..... (expired)		423/82	July 3/82
Sittings of the General Sessions of the Peace for the Counties and Districts of Ontario..... (expired)		828/82	Jan. 8/83
Sittings of the General Sessions of the Peace for the Judicial District of Hamilton-Wentworth..... (expired)		27/83	Jan. 29/83
Sittings of the General Sessions of the Peace for the District of Kenora..... (expired)		174/83	Apr. 16/83
Sittings of the General Sessions of the Peace for the Judicial District of York..... (expired)		338/83	June 25/83
Sittings of the General Sessions of the Peace for the Judicial District of Peel..... (expired)		339/83	June 25/83
Sittings of the General Sessions of the Peace for the District of Parry Sound..... (expired)		433/83	July 23/83
Sittings of the General Sessions of the Peace for the County of Perth..... (expired)		434/83	July 23/83
Sittings of the General Sessions of the Peace for the Districts and Counties of Ontario..... (expired)		764/83	Dec. 24/83
Sittings of the General Sessions of the Peace for the Counties of Peterborough, Prescott and Russell, Lambton and Wellington..... (expired)		16/84	Jan. 28/84
Sittings of the General Sessions of the Peace for the Judicial District of Peel..... (expired)		17/84	Jan. 28/84
Sittings of the General Sessions of the Peace for the County of Perth..... (expired)		373/84	June 30/84
Sittings of the General Sessions of the Peace for the County of Perth..... (expired)		678/84	Nov. 10/84

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GENERAL WELFARE ASSISTANCE ACT			
Civil Legal Aid		829/82	Jan. 8/83
General	441		
amended		48/81	Feb. 21/81
amended		186/81	Apr. 11/81
amended		270/81	May 16/81
amended		480/81	Aug. 1/81
amended		697/81	Nov. 7/81
amended		722/81	Nov. 14/81
amended		68/82	Feb. 20/82
amended		312/82	May 22/82
amended		456/82	July 17/82
amended		548/82	Aug. 21/82
amended		655/82	Oct. 16/82
amended		656/82	Oct. 16/82
amended		722/82	Nov. 13/82
amended		728/82	Nov. 13/82
amended		786/82	Dec. 18/82
amended		69/83	Feb. 12/83
amended		277/83	May 21/83
amended		361/83	July 9/83
amended		463/83	Aug. 6/83
amended		558/83	Sept. 17/83
amended		649/83	Oct. 29/83
amended		657/83	Oct. 29/83
amended		691/83	Nov. 12/83
amended		698/83	Nov. 19/83
amended		785/83	Jan. 7/84
amended		62/84	Feb. 18/84
amended		214/84	Apr. 28/84
amended		309/84	June 2/84
amended		402/84	July 14/84
amended		495/84	Aug. 18/84
amended		703/84	Nov. 17/84
amended		708/84	Nov. 17/84
amended		823/84	Jan. 19/85
amended		824/84	Jan. 19/85
amended		26/85	Feb. 9/85
amended		137/85	Apr. 20/85
amended		210/85	May 25/85
amended		399/85	Aug. 17/85
amended		552/85	Nov. 16/85
amended		677/85	Jan. 4/86
amended		46/86	Feb. 15/86
amended		139/86	Apr. 5/86
amended		244/86	May 17/86
amended		395/86	July 12/86
amended		441/86	Aug. 16/86
amended		503/86	Sept. 13/86
amended		639/86	Nov. 15/86
amended		640/86	Nov. 15/86
amended		681/86	Dec. 13/86
amended		741/86	Jan. 3/87
amended		743/86	Jan. 3/87
amended		37/87	Feb. 14/87
amended		170/87	Apr. 18/87
amended		226/87	May 9/87
amended		381/87	July 11/87
amended		450/87	Aug. 15/87

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amended		489/87	Sept. 12/87
amended		590/87	Nov. 14/87
amended		593/87	Nov. 14/87
amended		713/87	Jan. 2/88
Indian Bands	442		
amended		122/82	Mar. 20/82
amended		572/82	Sept. 11/82
amended		822/84	Jan. 19/85
amended		352/85	July 6/85
amended		564/86	Oct. 11/86
amended		642/87	Dec. 19/87
GRAIN CORN MARKETING ACT, 1984			
Licence Fees		559/84	Sept. 8/84
GRAIN ELEVATOR STORAGE ACT (See now Grain Elevator Storage Act, 1983)			
General (revoked by 420/84)	443		
GRAIN ELEVATOR STORAGE ACT, 1983			
General		420/84	July 14/84
GUARANTEE COMPANIES SECURITIES ACT			
Approved Guarantee Companies	444		
amended		21/81	Feb. 14/81
amended		106/81	Mar. 14/81
amended		107/81	Mar. 14/81
amended		568/81	Sept. 12/81
amended		759/81	Nov. 28/81
amended		562/83	Sept. 17/83
amended		125/84	Mar. 17/84
amended		93/85	Mar. 9/85
amended		230/85	June 1/85
amended		404/85	Aug. 24/85
amended		536/85	Nov. 9/85
H			
HEALING ARTS RADIATION PROTECTION ACT			
Hospitals Prescribed For The Installation and Operation of Computerized Axial Tomography Scanners		344/84	June 16/84
amended		237/86	May 17/86
amended		557/86	Oct. 4/86
amended		24/87	Feb. 7/87
amended		241/87	May 23/87
X-Ray Safety Code		45/84	Feb. 11/84
amended		511/85	Oct. 26/85
amended		722/87	Jan. 9/88

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HEALTH CARE ACCESSIBILITY ACT, 1986			
Administrative Charge		703/86	Dec. 20/86
HEALTH DISCIPLINES ACT			
Child Resistant Packages	445		
Dental Hygienists	446		
amended		681/84	Nov. 10/84
amended		705/86	Dec. 20/86
Dentistry	447		
amended		71/81	Mar. 7/81
amended		194/81	Apr. 18/81
amended		504/81	Aug. 15/81
amended		720/83	Dec. 3/83
amended		682/84	Nov. 10/84
amended		581/85	Nov. 23/85
amended		379/86	July 12/86
amended		637/86	Nov. 15/86
amended		657/87	Dec. 19/87
Medicine	448		
amended		205/82	Apr. 24/82
amended		823/82	Jan. 1/83
amended		851/82	Jan. 15/83
amended		112/83	Mar. 19/83
amended		192/84	Apr. 14/84
amended		344/85	July 6/85
amended		72/87	Feb. 28/87
amended		445/87	Aug. 15/87
Nursing	449		
amended		506/81	Aug. 15/81
amended		665/81	Oct. 24/81
amended		355/82	June 12/82
amended		588/83	Oct. 1/83
amended		144/85	Apr. 20/85
amended		556/86	Oct. 4/86
amended		11/87	Jan. 31/87
Optometry	450		
amended		478/82	July 31/82
amended		47/87	Feb. 14/87
Parcost C.D.I.		18/81	Feb. 7/81
amended		44/81	Feb. 21/81
amended (revoked by 413/81)		210/81	Apr. 25/81
Parcost C.D.I.		413/81	July 4/81
amended (revoked by 829/81)		640/81	Oct. 17/81
Parcost C.D.I. (revoked by 425/82)		829/81	Dec. 26/81
Parcost C.D.I.		425/82	July 3/82
amended (revoked by 836/82)		613/82	Sept. 25/82

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Parcost C.D.I.		836/82	Jan. 8/83
amended		103/83	Mar. 12/83
(revoked by 427/83)			
Parcost C.D.I.		427/83	July 16/83
(revoked by 107/84)			
Parcost C.D.I.		107/84	Mar. 3/84
amended		172/84	Apr. 7/84
(revoked by 421/84)			
Parcost C.D.I.		421/84	July 14/84
(revoked by 839/84)			
Parcost C.D.I.		839/84	Jan. 19/85
amended		63/85	Feb. 23/85
amended		224/86	May 10/86
(revoked by 690/86)			
Pharmacy	451		
amended		505/81	Aug. 15/81
amended		356/82	June 12/82
amended		835/82	Jan. 8/83
amended		422/84	July 14/84
amended		817/84	Jan. 19/85
amended		671/86	Dec. 6/86
amended		719/86	Dec. 27/86
amended		512/87	Sept. 19/87
amended		595/87	Nov. 21/87
HEALTH INSURANCE ACT			
General	452		
amended		36/81	Feb. 14/81
amended		37/81	Feb. 14/81
amended		38/81	Feb. 14/81
amended		61/81	Feb. 28/81
amended		120/81	Mar. 21/81
amended		121/81	Mar. 21/81
amended		122/81	Mar. 21/81
amended		139/81	Mar. 28/81
amended		168/81	Apr. 11/81
amended		231/81	May 2/81
amended		232/81	May 2/81
amended		253/81	May 16/81
amended		254/81	May 16/81
amended		298/81	May 23/81
amended		331/81	June 6/81
amended		332/81	June 6/81
amended		363/81	June 20/81
amended		395/81	June 27/81
amended		423/81	July 11/81
amended		459/81	July 25/81
amended		478/81	Aug. 1/81
amended		479/81	Aug. 1/81
amended		525/81	Aug. 22/81
amended		576/81	Sept. 12/81
amended		581/81	Sept. 12/81
amended		642/81	Oct. 17/81
amended		685/81	Oct. 31/81
amended		742/81	Nov. 21/81

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amended		743/81	Nov. 21/81
amended		751/81	Nov. 28/81
amended		794/81	Dec. 12/81
amended		810/81	Dec. 19/81
amended		12/82	Jan. 30/82
amended		53/82	Feb. 20/82
amended		82/82	Mar. 6/82
amended		83/82	Mar. 6/82
amended		235/82	May 1/82
amended		256/82	May 1/82
amended		260/82	May 8/82
amended		293/82	May 22/82
amended		294/82	May 22/82
amended		295/82	May 22/82
amended		335/82	June 5/82
amended		336/82	June 12/82
amended		337/82	June 12/82
amended		393/82	June 26/82
amended		412/82	July 3/82
amended		430/82	July 10/82
amended		431/82	July 10/82
amended		489/82	Aug. 7/82
amended		527/82	Aug. 21/82
amended		528/82	Aug. 21/82
amended		529/82	Aug. 21/82
amended		564/82	Sept. 4/82
amended		609/82	Sept. 25/82
amended		633/82	Oct. 9/82
amended		716/82	Nov. 13/82
amended		717/82	Nov. 13/82
amended		733/82	Nov. 20/82
amended		833/82	Jan. 8/83
amended		834/82	Jan. 8/83
amended		77/83	Feb. 19/83
amended		94/83	Feb. 26/83
amended		122/83	Mar. 26/83
amended		161/83	Apr. 9/83
amended		197/83	Apr. 16/83
amended		233/83	May 7/83
amended		242/83	May 14/83
amended		259/83	May 21/83
amended		281/83	May 28/83
amended		282/83	May 28/83
amended		285/83	May 28/83
amended		368/83	July 9/83
amended		458/83	Aug. 6/83
amended		460/83	Aug. 6/83
amended		497/83	Aug. 27/83
amended		540/83	Sept. 10/83
amended		651/83	Oct. 29/83
amended		704/83	Nov. 19/83
amended		721/83	Dec. 3/83
amended		789/83	Jan. 7/84
amended		808/83	Jan. 14/84
amended		3/84	Jan. 21/84
amended		33/84	Feb. 11/84
amended		53/84	Feb. 18/84
amended		56/84	Feb. 18/84
amended		93/84	Mar. 3/84
amended		168/84	Mar. 31/84
amended		209/84	Apr. 28/84

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amended		288/84	May 19/84
amended		290/84	May 19/84
amended		351/84	June 23/84
amended		386/84	July 7/84
amended		387/84	July 7/84
amended		388/84	July 7/84
amended		389/84	July 7/84
amended		390/84	July 7/84
amended		391/84	July 7/84
amended		478/84	Aug. 18/84
amended		479/84	Aug. 18/84
amended		480/84	Aug. 18/84
amended		518/84	Sept. 1/84
amended		548/84	Sept. 8/84
amended		610/84	Oct. 13/84
amended		611/84	Oct. 13/84
amended		615/84	Oct. 20/84
amended		637/84	Oct. 27/84
amended		638/84	Oct. 27/84
amended		662/84	Nov. 10/84
amended		663/84	Nov. 10/84
amended		717/84	Nov. 24/84
amended		751/84	Dec. 15/84
amended		752/84	Dec. 15/84
amended		799/84	Jan. 5/85
amended		826/84	Jan. 19/85
amended		827/84	Jan. 19/85
amended		828/84	Jan. 19/85
amended		829/84	Jan. 19/85
amended		18/85	Feb. 9/85
amended		19/85	Feb. 9/85
amended		20/85	Feb. 9/85
amended		60/85	Feb. 23/85
amended		145/85	Apr. 20/85
amended		206/85	May 25/85
amended		226/85	June 1/85
amended		274/85	June 15/85
amended		330/85	July 6/85
amended		345/85	July 6/85
amended		346/85	July 6/85
amended		347/85	July 6/85
amended		348/85	July 6/85
amended		408/85	Aug. 24/85
amended		515/85	Nov. 2/85
amended		535/85	Nov. 9/85
amended		565/85	Nov. 23/85
amended		697/85	Jan. 11/86
amended		18/86	Feb. 1/86
amended		19/86	Feb. 1/86
amended		20/86	Feb. 1/86
amended		32/86	Feb. 8/86
amended		33/86	Feb. 8/86
amended		41/86	Feb. 15/86
amended		42/86	Feb. 15/86
amended		78/86	Mar. 8/86
amended		90/86	Mar. 8/86
amended		121/86	Mar. 29/86
amended		156/86	Apr. 12/86
amended		157/86	Apr. 12/86
amended		158/86	Apr. 12/86
amended		179/86	Apr. 19/86

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amended		180/86	Apr. 19/86
amended		215/86	May 3/86
amended		241/86	May 17/86
amended		288/86	May 31/86
amended		341/86	June 28/86
amended		342/86	June 28/86
amended		388/86	July 12/86
amended		389/86	July 12/86
amended		390/86	July 12/86
amended		391/86	July 12/86
amended		438/86	Aug. 16/86
amended		455/86	Aug. 16/86
amended		558/86	Oct. 11/86
amended		559/86	Oct. 11/86
amended		610/86	Oct. 25/86
amended		645/86	Nov. 15/86
amended		646/86	Nov. 15/86
amended		647/86	Nov. 15/86
amended		704/86	Dec. 20/86
amended		721/86	Dec. 27/86
amended		722/86	Dec. 27/86
amended		744/86	Jan. 3/87
amended		745/86	Jan. 3/87
amended		746/86	Jan. 3/87
amended		25/87	Feb. 7/87
amended		51/87	Feb. 14/87
amended		76/87	Feb. 28/87
amended		105/87	Mar. 14/87
amended		118/87	Mar. 21/87
amended		212/87	May 9/87
amended		213/87	May 9/87
amended		283/87	June 13/87
amended		405/87	July 25/87
amended		425/87	Aug. 8/87
amended		426/87	Aug. 8/87
amended		427/87	Aug. 8/87
amended		457/87	Aug. 15/87
amended		458/87	Aug. 15/87
amended		471/87	Aug. 29/87
amended		472/87	Aug. 29/87
amended		596/87	Nov. 21/87
amended		616/87	Dec. 5/87
amended		617/87	Dec. 5/87
HEALTH PROTECTION AND PROMOTION ACT, 1983			
Areas Comprising Health Units		236/84	Apr. 28/84
amended		58/85	Feb. 16/85
amended		239/87	May 23/87
amended		447/87	Aug. 15/87
Camps in Unorganized Territory		193/84	Apr. 14/84
Capital Assistance Grants for Boards of Health		234/84	Apr. 28/84
Clinics for Sexually Transmitted Diseases		237/84	Apr. 28/84
Communicable Diseases - General		292/84	May 19/84
Designation of Communicable Diseases		161/84	Mar. 24/84
amended		698/86	Dec. 20/86

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Designation of Municipal Members of Boards of Health		235/84	Apr. 28/84
amended		57/85	Feb. 16/85
amended		240/87	May 23/87
amended		446/87	Aug. 15/87
Designation of Reportable Diseases		162/84	Mar. 24/84
amended		699/86	Dec. 20/86
Food Premises		243/84	May 5/84
Grants for Health Promotion Projects and Initiatives		479/87	Aug. 29/87
Grants to Boards of Health		382/84	June 30/84
amended		636/84	Oct. 27/84
amended		257/85	June 8/85
amended		515/87	Sept. 19/87
amended		604/87	Nov. 21/87
Public Pools		381/84	June 30/84
amended		146/85	Apr. 20/85
Qualifications of Boards of Health Staff		164/84	Mar. 24/84
Rabies - Immunization		594/85	Dec. 7/85
amended		120/86	Mar. 29/86
amended		287/86	May 31/86
amended		501/86	Sept. 13/86
amended		622/86	Nov. 8/86
amended		660/86	Nov. 22/86
amended		720/86	Dec. 27/86
amended		117/87	Mar. 21/87
amended		248/87	May 30/87
amended		416/87	Aug. 1/87
amended		581/87	Nov. 7/87
Recreational Camps		242/84	May 5/84
Reports		490/85	Oct. 19/85
School Health Services and Programs		516/84	Aug. 25/84
Slaughterhouses and Meat Processing Plants		293/84	May 19/84
Warrant		163/84	Mar. 24/84
HIGHWAY TRAFFIC ACT			
Allowable Gross Weight for Designated Class of Vehicle	453		
amended		199/87	Apr. 25/87
Appeals	454		
amended		117/81	Mar. 14/81
Covering of Loads	455		
Dangerous Loads	456		
revoked		364/85	July 13/85

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Demerit Point System..... (revoked by 359/81)	457		
Demerit Point System.....		359/81	June 20/81
amended.....		360/81	June 20/81
amended.....		202/82	Apr. 24/82
amended.....		599/82	Sept. 18/82
amended.....		276/84	May 19/84
amended.....		633/84	Oct. 20/84
amended.....		67/86	Mar. 1/86
amended.....		724/86	Dec. 27/86
Designation of Highways.....	458		
Designation of Termination Date of Freeze-Up Periods under Subsection 102(2) of the Act.... (expired)		116/81	Mar. 14/81
Designation of Paved Shoulders on King's Highway.....	459		
amended.....		16/81	Feb. 7/81
Driver Improvement Program.....	460		
Driver Licence Examinations.....	461		
amended.....		729/82	Nov. 20/82
amended.....		275/84	May 19/84
amended.....		641/85	Dec. 28/85
Drivers' Licences.....	462		
amended.....		118/81	Mar. 14/81
amended.....		250/81	May 16/81
amended.....		361/81	June 20/81
amended.....		370/81	June 20/81
amended.....		371/81	June 20/81
amended.....		325/82	May 29/82
amended.....		357/82	June 12/82
amended.....		359/82	June 12/82
amended.....		543/82	Aug. 21/82
amended.....		597/82	Sept. 18/82
amended.....		743/82	Nov. 27/82
amended.....		121/84	Mar. 10/84
amended.....		277/84	May 19/84
amended.....		378/84	June 30/84
amended.....		488/84	Aug. 18/84
amended.....		725/84	Nov. 24/84
amended.....		267/85	June 15/85
amended.....		628/85	Dec. 14/85
Driver's Licence Suspension for Default of Payment of Fine.....	463		
Driving Instructor's Licence.....	464		
amended.....		362/81	June 20/81
amended.....		376/84	June 30/84
amended.....		242/86	May 17/86
Equipment.....	465		
amended.....		31/85	Feb. 9/85

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Exemption from the Provisions of Section 7 of the Act - State of			
Alabama		230/84	Apr. 28/84
California		268/85	June 15/85
Florida		741/83	Dec. 17/83
Georgia		689/83	Nov. 12/83
Iowa		679/84	Nov. 10/84
Kansas		714/87	Jan. 2/88
Louisiana		740/83	Dec. 17/83
Maine		588/84	Sept. 29/84
Maryland		743/83	Dec. 17/83
Massachusetts		169/84	Nov. 31/84
Mississippi		686/83	Nov. 12/83
Missouri		687/83	Nov. 12/83
Montana		532/84	Sept. 1/84
New Jersey		490/84	Aug. 18/84
North Carolina		688/83	Nov. 12/83
Oregon		30/85	Feb. 9/85
Rhode Island		587/84	Sept. 29/84
South Carolina		739/83	Dec. 17/83
Tennessee (revoked by 268/85)		425/83	July 16/83
Tennessee		742/83	Dec. 17/83
Texas		726/84	Nov. 24/84
Virginia		102/84	Mar. 3/84
West Virginia		646/83	Oct. 29/83
Wisconsin		659/84	Nov. 3/84
Exemption from the Provisions of Sections 7 and 10 of the Act - States of the United States of America	466		
amended		643/81	Oct. 17/81
amended		415/82	July 3/82
amended		230/84	Apr. 28/84
amended		428/84	July 14/84
amended		490/84	Aug. 18/84
amended		532/84	Sept. 1/84
amended		588/84	Sept. 29/84

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amended		659/84	Nov. 3/84
amended		679/84	Nov. 10/84
amended		726/84	Nov. 24/84
amended		268/85	June 15/85
Exemption from the Provisions of Sections 7 and 10 of the Act - State of Illinois		661/82	Oct. 23/82
Maryland (revoked by 268/85)		658/82	Oct. 23/82
Michigan		678/81	Oct. 31/81
South Dakota		660/82	Oct. 23/82
Exemption from the Provisions of Subsection 68(1) of the Act - Province of Alberta	467		
State of New York		121/83	Mar. 19/83
Extending Term of Validity of Driver's Licence (revoked by 418/87)		375/87	July 11/87
Extending Validity of Driver's Licence (revoked by 549/81)		473/81	Aug. 1/81
Extending Validity of Driver's Licence (expired)		549/81	Sept. 5/81
Extending Validity of Motor Vehicle Permits (expired)		843/81	Jan. 2/82
Garage Licences	468		
amended		46/81	Feb. 21/81
amended		204/81	Apr. 18/81
amended		659/82	Oct. 23/82
General	469		
amended		45/81	Feb. 21/81
amended		95/81	Mar. 14/81
amended		193/81	Apr. 18/81
amended		248/81	May 16/81
amended		337/81	June 6/81
amended		460/81	July 25/81
amended		461/81	July 25/81
amended		664/81	Oct. 24/81
amended		791/81	Dec. 12/81
amended		792/81	Dec. 12/81
amended		801/81	Dec. 12/81
amended		358/82	June 12/82
amended		477/82	July 31/82
amended		542/82	Aug. 21/82
amended		744/82	Nov. 27/82
amended		49/84	Feb. 18/84
amended		489/84	Aug. 18/84
Gross Vehicle Weights	470		

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Gross Weight on Bridges	471		
amended		111/87	Mar. 21/87
Gross Weight on the Kabitotikwia River Bridge		491/84	Aug. 18/84
revoked		122/85	Mar. 30/85
Gross Weight on the Kaministikwia River Bridge		524/83	Sept. 3/83
Gross Weight on the Trout Lake River Bridge		300/82	May 22/82
revoked		390/82	June 19/82
Highway Closings	472		
Load Limits		98/81	Mar. 14/81
amended		99/81	Mar. 14/81
Load Limits on Local Roads Within Local Roads Areas	473		
amended		100/81	Mar. 14/81
Motor Vehicle Inspection Stations	474		
amended		508/81	Aug. 15/81
amended		60/82	Feb. 20/82
amended		525/84	Sept. 1/84
amended		820/84	Jan. 19/85
amended		449/85	Sept. 21/85
amended		665/86	Nov. 29/86
Notice to Have Motor Vehicle Examined and Tested (revoked by 61/82)	475		
Notice to Have Motor Vehicle Examined and Tested		61/82	Feb. 20/82
amended		350/83	June 25/83
Over-Dimensional Farm Vehicles	476		
amended		427/84	July 14/84
Parking	477		
amended		13/81	Feb. 7/81
amended		62/81	Feb. 28/81
amended		110/81	Mar. 14/81
amended		199/81	Apr. 18/81
amended		213/81	Apr. 25/81
amended		339/81	June 6/81
amended		445/81	July 18/81
amended		455/81	July 25/81
amended		529/81	Aug. 29/81
amended		661/81	Oct. 17/81
amended		717/81	Nov. 7/81
amended		790/81	Dec. 12/81
amended		803/81	Dec. 19/81
amended		856/81	Jan. 9/82
amended		14/82	Feb. 6/82
amended		123/82	Mar. 20/82
amended		228/82	May 1/82
amended		318/82	May 29/82

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amended		396/82	June 26/82
amended		502/82	Aug. 7/82
amended		644/82	Oct. 16/82
amended		801/82	Dec. 25/82
amended		31/83	Feb. 5/83
amended		131/83	Mar. 26/83
amended		189/83	Apr. 16/83
amended		228/83	May 7/83
amended		400/83	July 16/83
amended		457/83	Aug. 6/83
amended		661/83	Oct. 29/83
amended		682/83	Nov. 12/83
amended		4/84	Jan. 21/84
amended		177/84	Apr. 14/84
amended		435/84	July 21/84
amended		550/84	Sept. 1/84
amended		694/84	Nov. 17/84
amended		85/85	Mar. 9/85
amended		184/85	May 11/85
amended		214/85	June 1/85
amended		378/85	Aug. 3/85
amended		405/85	Aug. 24/85
amended		572/85	Nov. 23/85
amended		598/85	Dec. 14/85
amended		39/86	Feb. 15/86
amended		80/86	Mar. 8/86
amended		89/86	Mar. 8/86
amended		137/86	Apr. 5/86
amended		210/86	May 3/86
amended		319/86	June 21/86
amended		473/86	Aug. 23/86
amended		474/86	Aug. 23/86
amended		547/86	Sept. 27/86
amended		630/86	Nov. 15/86
amended		631/86	Nov. 15/86
amended		121/87	Mar. 28/87
amended		397/87	July 18/87
amended		543/87	Oct. 17/87
amended		684/87	Jan. 2/88
Portable Lane Control Signal Systems	478		
Reciprocal Suspension of Licences	479		
Restricted Use of Left Lanes by Commercial Motor Vehicles	480		
amended		535/81	Aug. 29/81
amended		17/82	Feb. 6/82
amended		804/83	Jan. 7/84
amended		87/85	Mar. 9/85
amended		193/85	May 11/85
amended		474/85	Oct. 5/85
amended		169/86	Apr. 12/86
Restricted Use of the King's Highway	481		
Safety Helmets	482		
amended		249/81	May 16/81
Safety Inspections	483		
amended		507/81	Aug. 15/81

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amended		800/81	Dec. 12/81
amended		839/81	Jan. 2/82
amended		59/82	Feb. 20/82
amended		544/82	Aug. 21/82
amended		596/82	Sept. 18/82
amended		742/82	Nov. 27/82
amended		486/84	Aug. 18/84
amended		527/84	Sept. 1/84
amended		821/84	Jan. 19/85
amended		127/86	Mar. 29/86
School Buses	484		
amended		277/81	May 23/81
amended		598/82	Sept. 18/82
amended		19/83	Jan. 29/83
amended		336/83	June 18/83
amended		487/84	Aug. 18/84
amended		433/87	Aug. 8/87
Seat Belt Assemblies	485		
amended		545/82	Aug. 21/82
amended		629/83	Oct. 15/83
Security of Loads		428/81	July 11/81
Signs	486		
amended		372/81	June 20/81
amended		802/81	Dec. 12/81
amended		414/82	July 3/82
amended		600/82	Sept. 18/82
amended		122/84	Mar. 10/84
amended		569/84	Sept. 15/84
amended		168/86	Apr. 12/86
amended		435/86	Aug. 16/86
Slow-Moving Vehicle Sign	487		
Special Permits	488		
Specifications and Standards for Trailer Couplings	489		
Speed Limits	490		
amended		67/81	Mar. 7/81
amended		109/81	Mar. 14/81
amended		176/81	Apr. 11/81
amended		200/81	Apr. 18/81
amended		338/81	June 6/81
amended		453/81	July 18/81
amended		534/81	Aug. 29/81
amended		573/81	Sept. 12/81
amended		592/81	Sept. 19/81
amended		696/81	Nov. 7/81
amended		708/81	Nov. 7/81
amended		19/82	Feb. 6/82
amended		21/82	Feb. 6/82
amended		137/82	Mar. 20/82
amended		227/82	May 1/82
amended		321/82	May 29/82
amended		344/82	June 12/82
amended		365/82	June 12/82

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amended		465/82	July 24/82
amended		623/82	Oct. 9/82
amended		657/82	Oct. 23/82
amended		677/82	Oct. 23/82
amended		698/82	Nov. 6/82
amended		758/82	Dec. 4/82
amended		800/82	Dec. 25/82
amended		827/82	Jan. 8/83
amended		97/83	Mar. 5/83
amended		190/83	Apr. 16/83
amended		191/83	Apr. 16/83
amended		235/83	May 7/83
amended		280/83	May 28/83
amended		382/83	July 9/83
amended		399/83	July 16/83
amended		579/83	Oct. 1/83
amended		693/83	Nov. 19/83
amended		762/83	Dec. 24/83
amended		773/83	Dec. 31/83
amended		23/84	Feb. 4/84
amended		90/84	Mar. 3/84
amended		101/84	Mar. 3/84
amended		117/84	Mar. 10/84
amended		158/84	Mar. 24/84
amended		178/84	Apr. 14/84
amended		303/84	May 26/84
amended		374/84	June 30/84
amended		468/84	Aug. 11/84
amended		524/84	Sept. 1/84
amended		628/84	Oct. 20/84
amended		658/84	Nov. 3/84
amended		687/84	Nov. 17/84
amended		789/84	Dec. 29/84
amended		36/85	Feb. 9/85
amended		37/85	Feb. 9/85
amended		86/85	Mar. 9/85
amended		172/85	Apr. 27/85
amended		181/85	May 4/85
amended		188/85	May 11/85
amended		334/85	July 6/85
amended		382/85	Aug. 10/85
amended		403/85	Aug. 24/85
amended		406/85	Aug. 24/85
amended		414/85	Aug. 31/85
amended		592/85	Dec. 7/85
amended		593/85	Dec. 7/85
amended		597/85	Dec. 14/85
amended		626/85	Dec. 14/85
amended		627/85	Dec. 14/85
amended		678/85	Jan. 4/86
amended		7/86	Jan. 25/86
amended		50/86	Feb. 15/86
amended		103/86	Mar. 15/86
amended		299/86	June 7/86
amended		320/86	June 21/86
amended		490/86	Aug. 30/86
amended		567/86	Oct. 11/86
amended		752/86	Jan. 10/87
amended		65/87	Feb. 28/87
amended		68/87	Feb. 28/87
amended		69/87	Feb. 28/87

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amended		180/87	Apr. 18/87
amended		398/87	July 18/87
amended		449/87	Aug. 15/87
amended		540/87	Oct. 10/87
amended		599/87	Nov. 21/87
amended		651/87	Dec. 19/87
Speed Limits in Provincial Parks	491		
Speed Limits in Territory Without Municipal Organization		708/83	Nov. 19/83
amended		81/86	Mar. 8/86
Stopping of Vehicles on Parts of the King's Highway	492		
amended		201/81	Apr. 18/81
amended		707/81	Nov. 7/81
amended		804/81	Dec. 19/81
amended		520/83	Aug. 27/83
amended		790/84	Dec. 29/84
amended		460/87	Aug. 22/87
amended		544/87	Oct. 17/87
Stop Signs at Intersections	493		
amended		132/81	Mar. 28/81
amended		456/81	July 25/81
amended		22/82	Feb. 6/82
amended		119/82	Mar. 20/82
amended		319/82	May 29/82
amended		676/82	Oct. 23/82
amended		791/82	Dec. 18/82
amended		124/83	Mar. 26/83
amended		234/83	May 7/83
amended		696/83	Nov. 19/83
amended		523/84	Sept. 1/84
amended		791/84	Dec. 29/84
amended		192/85	May 11/85
amended		548/86	Sept. 27/86
amended		629/86	Nov. 15/86
amended		753/86	Jan. 10/87
Stop Signs in Territory Without Municipal Organization		574/81	Sept. 12/81
amended		680/81	Oct. 31/81
amended		18/82	Feb. 6/82
amended		320/82	May 22/82
amended		622/82	Oct. 9/82
amended		123/83	Mar. 26/83
amended		424/83	July 16/83
amended		456/83	Aug. 6/83
amended		642/83	Oct. 29/83
amended		429/84	July 14/84
amended		749/84	Dec. 8/84
amended		379/85	Aug. 3/85
amended		574/85	Nov. 23/85
amended		625/85	Dec. 14/85
amended		570/87	Oct. 31/87
amended		603/87	Nov. 21/87
Tire Standards and Specifications (revoked by 741/81)	494		

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Tire Standards and Specifications		741/81	Nov. 21/81
amended		541/82	Aug. 21/82
amended		351/83	June 25/83
amended		253/84	May 12/84
amended		98/85	Mar. 16/85
Traffic Control Signal Systems		526/84	Sept. 1/84
Use of Controlled-Access Highways by Pedestrians	495		
amended		601/81	Sept. 19/81
amended		16/82	Feb. 6/82
amended		229/83	May 7/83
amended		88/84	Mar. 3/84
amended		102/86	Mar. 15/86
amended		685/87	Jan. 2/88
Vehicle Permits		744/82	Nov. 27/82
amended		108/84	Mar. 3/84
amended		120/84	Mar. 10/84
amended		278/84	May 19/84
amended		377/84	June 30/84
amended		724/84	Nov. 24/84
amended		819/84	Jan. 19/85
amended		154/85	Apr. 20/85
amended		579/85	Nov. 23/85
amended		6/86	Jan. 25/86
amended		86/86	Mar. 8/86
amended		621/86	Nov. 8/86
amended		569/87	Oct. 31/87
Vehicles for the Transportation of Physically Disabled Passengers		167/81	Apr. 11/81
amended		788/84	Dec. 29/84
amended		155/85	Apr. 20/85
amended		370/87	July 11/87
Vehicles on Controlled-Access Highways	496		
amended		203/81	Apr. 18/81
amended		602/81	Sept. 19/81
amended		679/81	Oct. 31/81
amended		15/82	Feb. 6/82
amended		73/82	Feb. 27/82
amended		458/82	July 17/82
amended		615/82	Oct. 2/82
amended		89/84	Mar. 3/84
amended		573/85	Nov. 23/85
amended		136/86	Apr. 5/86
amended		686/87	Jan. 2/88
Yield Right of Way Signs in Territory Without Municipal Organization		13/82	Feb. 6/82
amended		132/82	Mar. 20/82
amended		544/83	Sept. 10/83
amended		750/84	Dec. 15/84
amended		575/85	Nov. 23/85
amended		634/85	Dec. 21/85
HISTORICAL PARKS ACT			
Historical Parks - Fees (revoked by 335/81)	497		

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Historical Parks - Fees..... (revoked by 152/86)		335/81	June 6/81
Historical Parks - Fees..... (revoked by 216/86)		152/86	Apr. 12/86
Historical Parks - Fees..... (revoked by 262/87)		216/86	May 3/86
Historical Parks - Fees.....		262/87	May 30/87
amended.....		377/87	July 11/87
Parks.....	498		
amended.....		334/81	June 6/81
HOMEMAKERS AND NURSES SERVICES ACT			
General.....	499		
amended.....		236/81	May 2/81
amended.....		733/83	Dec. 10/83
amended.....		109/84	Mar. 10/84
amended.....		238/84	May 5/84
amended.....		105/85	Mar. 23/85
amended.....		302/86	June 7/86
amended.....		423/86	Aug. 2/86
HOMES FOR RETARDED PERSONS ACT			
General.....	500		
amended.....		821/81	Dec. 26/81
amended.....		732/83	Dec. 10/83
amended.....		499/84	Aug. 18/84
amended.....		707/84	Nov. 17/84
amended.....		49/85	Feb. 16/85
amended.....		503/85	Oct. 26/85
amended.....		384/87	July 11/87
HOMES FOR SPECIAL CARE ACT			
General.....	501		
amended.....		171/81	Apr. 11/81
amended.....		666/81	Oct. 24/81
amended.....		236/82	May 1/82
amended.....		736/82	Nov. 20/82
amended.....		232/83	May 7/83
amended.....		664/84	Nov. 10/84
amended.....		273/85	June 15/85
amended.....		91/86	Mar. 8/86
amended.....		406/87	July 25/87
HOMES FOR THE AGED AND REST HOMES ACT			
General.....	502		
amended.....		50/81	Feb. 21/81
amended.....		188/81	Apr. 11/81
amended.....		272/81	May 16/81
amended.....		377/81	June 20/81
amended.....		482/81	Aug. 1/81
amended.....		614/81	Oct. 3/81
amended.....		699/81	Nov. 7/81
amended.....		820/81	Dec. 26/81

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amended		70/82	Feb. 20/82
amended		313/82	May 22/82
amended		457/82	July 17/82
amended		550/82	Aug. 21/82
amended		552/82	Aug. 21/82
amended		723/82	Nov. 13/82
amended		72/83	Feb. 12/83
amended		275/83	May 21/83
amended		464/83	Aug. 6/83
amended		581/83	Oct. 1/83
amended		608/83	Oct. 15/83
amended		630/83	Oct. 15/83
amended		650/83	Oct. 29/83
amended		699/83	Nov. 19/83
amended		731/83	Dec. 10/83
amended		765/83	Dec. 24/83
amended		55/84	Feb. 18/84
amended		64/84	Feb. 18/84
amended		311/84	June 2/84
amended		328/84	June 9/84
amended		497/84	Aug. 18/84
amended		705/84	Nov. 17/84
amended		28/85	Feb. 9/85
amended		208/85	May 25/85
amended		350/85	July 6/85
amended		401/85	Aug. 17/85
amended		504/85	Oct. 26/85
amended		554/85	Nov. 16/85
amended		48/86	Feb. 15/86
amended		140/86	Apr. 5/86
amended		247/86	May 17/86
amended		367/86	July 12/86
amended		443/86	Aug. 16/86
amended		642/86	Nov. 15/86
amended		39/87	Feb. 14/87
amended		225/87	May 9/87
amended		383/87	July 11/87
amended		452/87	Aug. 15/87
amended		594/87	Nov. 14/87
HOSPITAL LABOUR DISPUTES ARBITRATION ACT			
Remuneration of Chairmen and Members of Arbitration Boards (revoked by 174/84)	503		
Remuneration of Chairmen and Members of Arbitration Boards (revoked by 338/87)		174/84	Apr. 7/84
Remuneration of Chairmen and Members of Arbitration Boards		338/87	June 27/87
Rules of Procedure	504		
HOTEL FIRE SAFETY ACT			
General (revoked by 223/84)	505		
General		223/84	Apr. 28/84

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HOUSING DEVELOPMENT ACT			
General	506		
amended		780/83	Dec. 31/83
amended		227/84	Apr. 28/84
amended		452/84	July 28/84
amended		243/86	May 17/86
HUNTER DAMAGE COMPENSATION ACT			
General	507		
HYPNOSIS ACT			
Application of Section 2 of the Act	508		
I			
IDEA CORPORATION ACT, 1981			
Termination of IDEA Corporation		203/86	May 3/86
IMMUNIZATION OF SCHOOL PUPILS ACT, 1982			
General		23/83	Jan. 29/83
amended		543/84	Sept. 8/84
amended		24/85	Feb. 9/85
amended		541/85	Nov. 16/85
amended		542/85	Nov. 16/85
INCOME TAX ACT			
General	509		
amended		346/81	June 6/81
amended		848/81	Jan. 9/82
amended		527/85	Nov. 2/85
amended		131/86	Apr. 5/86
amended		191/87	Apr. 18/87
Ontario Tax Credit System Regulation		90/81	Mar. 14/81
Ontario Tax Credit System Regulation		52/82	Feb. 20/82
Ontario Tax Credit System		63/83	Feb. 12/83
amended		302/83	June 4/83
Ontario Tax Credit System		249/84	May 12/84
Ontario Tax Credit System		119/85	Mar. 23/85
amended		361/85	July 13/85
Ontario Tax Credit System		132/86	Apr. 5/86
Ontario Tax Credit System		127/87	Mar. 28/87
Taxable Income - Amount Prescribed under Section 6 of the Act		89/81	Mar. 14/81
revoked		588/81	Sept. 12/81

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Taxable Income - Amount Prescribed under Section 6 of the Act.....		253/82	May 1/82
Taxable Income - Amount Prescribed under Section 6 of the Act.....		301/83	June 4/83
Taxable Income - Amount Prescribed under Section 6 of the Act.....		248/84	May 12/84
Taxable Income - Amount Prescribed under Section 6 of the Act.....		362/85	July 13/85
Taxable Income - Amounts Prescribed under Section 6 of the Act.....		130/86	Apr 5/86
Taxable Income - Amounts Prescribed under Section 6 of the Act.....		192/87	Apr. 18/87
Tax Table for Individuals.....		864/81	Jan. 16/82
Temporary Surcharge - Prescribed Amount.....		512/83	Aug. 20/83
INDUSTRIAL STANDARDS ACT			
Designation of Industries and Zones.....	510		
Duties of Employers and Advisory Committees.....	511		
Interprovincially Competitive Industries.....	512		
Publication Costs.....	513		
Schedule -			
Bricklaying and Stonemasonry Industry - Ottawa.....	514		
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Electrical Repair and Construction Industry - Ottawa.....	516		
Electrical Repair and Construction Industry - Toronto.....	517		
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amended.....		674/83	Nov. 5/83
Ladies' Cloak and Suit Industry - Ontario.....	519		
amended.....		846/81	Jan. 2/82
Ladies' Dress and Sportswear Industry.....	520		
amended.....		401/82	June 26/82
amended.....		458/84	Aug. 4/84
Lathing Industry - Ottawa.....	521		

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Men's and Boys' Clothing Industry - Ontario	522		
amended		736/83	Dec. 10/83
amended		42/87	Feb. 14/87
Painting and Decorating Industry - Ottawa	523		
Plastering Industry - Ottawa	524		
Plumbing and Heating Industry - Ottawa	525		
Plumbing and Heating Industry - Toronto	526		
Sheet-Metal Work Construction Industry - Ottawa	527		
INFLATION RESTRAINT ACT, 1982			
First Collective Agreements of Newly Certified Bargaining Units		57/83	Feb. 5/83
amended		490/83	Aug. 20/83
(expired)			
General		819/82	Jan. 1/83
amended		844/82	Jan. 8/83
amended		144/83	Mar. 26/83
amended		236/83	May 7/83
amended		719/83	Dec. 3/83
(expired)			
Increase in Minimum Wages Under The Employment Standards Act		83/84	Feb. 25/84
(expired)			
Ontario Dairy Herd Improvement Corporation		91/83	Feb. 26/83
(expired)			
Ontario Municipal Employees Retirement System		92/83	Feb. 26/83
(expired)			
INSURANCE ACT			
Agents' Licences	528		
amended		479/86	Aug. 30/86
Classes of Insurance	529		
General	530		
amended		837/84	Jan. 19/85
Life Companies Special Shares - Investment	531		
Order under Paragraph 1 of subsection 85(2) of the Act - Rates of Interest	532		
amended		559/81	Sept. 5/81
amended		639/81	Oct. 17/81

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amended		178/83	Apr. 16/83
amended		232/85	June 1/85
amended		135/87	Apr. 4/87
amended		208/87	May 2/87
Replacement of Life Insurance Contracts (revoked by 8/86)	533		
Replacement of Life Insurance Contracts		8/86	Jan. 25/86
Schedule of Fees	534		
amended		142/86	Apr. 5/86
Uninsured Automobile Coverage	535		
Variable Insurance Contracts of Life Insurers	536		
INTERPRETATION ACT			
Fees Payable under Various Acts	537		
amended		497/86	Sept. 6/86
INVESTMENT CONTRACTS ACT			
Registration	538		
amended		143/86	Apr. 5/86
J			
JUDICATURE ACT (See now - Courts of Justice Act, 1984)			
High Court - Composition (revoked by 329/82)		494/81	Aug. 8/81
High Court - Composition (revoked by 448/83)		329/82	June 5/82
High Court - Composition (revoked by 684/83)		448/83	July 30/83
JUDICATURE ACT AND MATRIMONIAL CAUSES ACT (See now - Courts of Justice Act, 1984)			
Rules of Practice and Procedure of the Supreme Court of Ontario	540		
amended		734/81	Nov. 21/81
amended		411/82	July 3/82
amended		709/82	Nov. 13/82
amended (revoked by 560/84)		141/83	Mar. 26/83
JUNIOR FARMER ESTABLISHMENT ACT			
Application for Bank Loan	541		
General	542		

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JURIES ACT			
General	543		
amended		541/83	Sept. 10/83
amended		364/87	July 11/87
JUSTICES OF THE PEACE ACT			
Salaries and Benefits		398/84	July 7/84
amended		675/84	Nov. 10/84
amended		673/85	Jan. 4/86
amended		189/86	April 19/86
amended		696/87	Jan. 2/88
L			
LABORATORY AND SPECIMEN COLLECTION CENTRE LICENSING ACT			
Laboratories	845		
amended		551/83	Sept. 10/83
Specimen Collection Centres	854		
amended		552/83	Sept. 10/83
LABOUR RELATIONS ACT			
General	544		
amended		408/81	July 4/81
amended		175/84	Apr. 7/84
amended		234/86	May 17/86
amended		337/87	June 27/87
Office of the Board	545		
Rules of Procedure	546		
amended		123/87	Mar. 28/87
amended		443/87	Aug. 15/87
LANDLORD AND TENANT ACT			
Classes of Accommodation Deemed Not to be Residential Premises	547		
amended		393/87	July 18/87
Forms	548		
amended		496/81	Aug. 8/81
amended		317/85	June 29/85
amended		391/85	Aug. 17/85
amended		394/87	July 18/87
Summary of Part IV of the Act	549		
amended		392/87	July 18/87
LAND REGISTRATION REFORM ACT, 1984			
General		580/84	Sept. 29/84
amended		35/85	Feb. 9/85
amended		134/85	Apr. 20/85

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amended		452/85	Sept. 28/85
amended		163/86	Apr. 12/86
amended		422/86	Aug. 2/86
amended		440/86	Aug. 16/86
amended		30/87	Feb. 14/87
amended		176/87	Apr. 18/87
LAND TITLES ACT			
Application of Act (revoked by 550/81)	550		
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amended		806/81	Dec. 19/81
amended		324/83	June 11/83
amended		135/84	Mar. 17/84
amended		233/85	June 1/85
amended		265/86	May 24/86
amended		256/87	May 30/87
amended		655/87	Dec. 19/87
Forms, Records and Procedures		75/82	Feb. 27/82
amended		323/82	May 29/82
amended		350/82	June 12/82
amended		170/83	Apr. 9/83
amended		278/83	May 21/83
amended		284/84	May 19/84
amended		551/84	Sept. 8/84
amended		579/84	Sept. 29/84
amended		33/85	Feb. 9/85
amended		133/85	Apr. 20/85
amended		234/85	June 1/85
amended		238/85	June 1/85
amended		239/85	June 1/85
amended		454/85	Sept. 28/85
amended		79/86	Mar. 8/86
amended		212/86	May 3/86
amended		225/86	May 10/86
amended		79/87	Feb. 28/87
amended		80/87	Feb. 28/87
amended		360/87	July 4/87
amended		525/87	Sept. 19/87
amended		585/87	Nov. 14/87
amended		669/87	Dec. 26/87
General	552		
amended (revoked by 75/82)		583/81	Sept. 12/81
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Land Titles Divisions		550/81	Sept. 5/81
amended		166/83	Apr. 9/83
amended		449/84	July 28/84
(revoking 449/84)		149/85	Apr. 20/85
amended		150/85	Apr. 20/85
amended		539/85	Nov. 9/85
amended		164/86	Apr. 12/86

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Commercial Recreational Property..... (revoked by 623/83)	556		
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Consolidated Affidavit of Residence and Value of Consideration.....		613/81	Oct. 3/81
amended.....		10/84	Jan. 21/84
amended.....		358/86	July 5/86
Delegation of Authority.....	558		
amended.....		335/83	June 18/83
amended.....		625/83	Oct. 15/83
amended.....		345/86	June 28/86
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For Certain Final Orders of Foreclosure and for Inter-corporate Transfers of Land.....	559		
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amended.....		270/82	May 8/82
amended.....		385/83	July 9/83
amended.....		607/83	Oct. 15/83
amended.....		9/84	Jan. 21/84
amended.....		603/84	Oct. 6/84
amended.....		545/86	Sept. 20/86
amended.....		552/86	Oct. 4/86
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amended.....		624/83	Oct. 15/83
amended.....		428/86	Aug. 16/86
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amended.....		626/83	Oct. 15/83
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General.....	573		
amended.....		296/83	June 4/83
amended.....		297/83	June 4/83
amended.....		407/83	July 16/83
amended.....		365/84	June 23/84
amended.....		200/86	Apr. 26/86
amended.....		292/87	June 13/87
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amended.....		520/87	Sept. 19/87
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General.....	575		
amended.....		109/82	Mar. 13/82
amended.....		830/82	Jan. 8/83
amended.....		108/83	Mar. 12/83
amended.....		157/83	Apr. 2/83
amended.....		408/83	July 16/83
amended.....		121/85	Mar. 30/85
amended..... (revoked by 59/86)		674/85	Jan. 4/86
General.....		59/86	Feb. 22/86
amended.....		126/86	Mar. 29/86
amended.....		726/86	Dec. 27/86
amended.....		699/87	Jan. 2/88
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General.....	576		

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General	578		
amended		443/82	July 10/82
amended		203/84	Apr. 14/84
amended		164/87	Apr. 11/87
LINE FENCES ACT			
Forms	579		
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Lands Situate in Territory Without Municipal Organization		9/82	Jan. 30/82
LIQUOR CONTROL ACT			
General	580		
amended		85/82	Mar. 6/82
amended		391/82	June 26/82
amended		601/82	Sept. 25/82
amended		384/84	July 7/84
amended		583/85	Nov. 23/85
LIQUOR LICENCE ACT			
General	581		
amended		20/81	Feb. 14/81
amended		105/81	Mar. 14/81
amended		358/81	June 20/81
amended		560/81	Sept. 5/81
amended		805/81	Dec. 19/81
amended		845/81	Jan. 2/82
amended		30/82	Feb. 13/82
amended		72/82	Feb. 27/82
amended		352/82	June 12/82
amended		353/82	June 12/82
amended		407/82	June 26/82
amended		408/82	June 26/82
amended		487/82	Aug. 7/82
amended		520/82	Aug. 14/82
amended		534/82	Aug. 21/82
amended		580/82	Sept. 11/82
amended		625/82	Oct. 9/82
amended		840/82	Jan. 8/83
amended		591/83	Oct. 1/83
amended		148/84	Mar. 17/84
amended		239/84	May 5/84
amended		251/84	May 12/84
amended		282/84	May 19/84
amended		318/84	June 9/84
amended		383/84	July 7/84
amended		446/84	July 28/84
amended		585/84	Sept. 29/84
amended		598/84	Oct. 6/84

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amended		792/84	Dec. 29/84
amended		249/85	June 8/85
amended		315/85	June 29/85
amended		324/85	July 6/85
amended		537/85	Nov. 9/85
amended		584/85	Nov. 23/85
amended		70/86	Mar. 1/86
amended		277/86	May 31/86
amended		278/86	May 31/86
amended		483/86	Aug. 30/86
amended		651/86	Nov. 22/86
amended		693/86	Dec. 13/86
amended		713/86	Dec. 20/86
amended		1/87	Jan. 24/87
amended		16/87	Feb. 7/87
amended		17/87	Feb. 7/87
amended		78/87	Feb. 28/87
amended		95/87	Mar. 14/87
amended		134/87	Apr. 4/87
amended		266/87	May 30/87
amended		311/87	June 27/87
amended		553/87	Oct. 17/87
amended		679/87	Dec. 26/87
amended		706/87	Jan. 2/88
Possession of Liquor in Charles Daley Park (revoked by 148/82)		328/81	May 30/81
Possession of Liquor in Conservation Areas Operated by the Halton Region Conservation Authority		724/83	Dec. 3/83
Possession of Liquor in Provincial Parks (revoked by 148/82)		134/81	Mar. 28/81
Possession of Liquor in Provincial Parks and in Parks Managed or Controlled by The St. Clair Parkway Commission, The St. Lawrence Parks Commission and The Niagara Parks Commission (revoked by 94/87)		122/86	Mar. 29/86
Possession of Liquor in Provincial Parks and in Parks Managed or Controlled by the St. Lawrence Parks Commission		94/87	Mar. 14/87
Possession of Liquor in Provincial Parks and in Parks Managed or Controlled by The St. Lawrence Parks Commission and The Niagara Parks Commission (revoked by 151/83)		148/82	Apr. 3/82
Possession of Liquor in Provincial Parks and in Parks Managed or Controlled by The St. Lawrence Parks Commission and The Niagara Parks Commission (revoked by 160/84)		151/83	Apr. 2/83

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Possession of Liquor in Provincial Parks and in Parks Managed or Controlled by The St. Lawrence Parks Commission and The Niagara Parks Commission..... (revoked by 151/85)		160/84	Mar. 24/84
Possession of Liquor in Provincial Parks and in Parks Managed or Controlled by The St. Lawrence Parks Commission and The Niagara Parks Commission..... (revoked by 122/86)		151/85	Apr. 20/85
LIVE STOCK AND LIVE STOCK PRODUCTS ACT			
Eggs.....	582		
amended.....		301/81	May 23/81
amended.....		571/81	Sept. 12/81
Live Stock.....		367/82	June 12/82
amended.....		526/82	Aug. 21/82
amended.....		589/82	Sept. 18/82
Processed Egg.....	583		
amended.....		302/81	May 23/81
Wool.....	584		
amended.....		303/81	May 23/81
LIVE STOCK BRANDING ACT			
Forms.....	585		
amended.....		88/82	Mar. 6/82
LIVE STOCK COMMUNITY SALES ACT			
General.....	586		
amended.....		775/81	Dec. 5/81
amended.....		258/85	June 8/85
amended.....		725/87	Jan. 16/88
LIVE STOCK MEDICINES ACT			
General.....	587		
amended.....		320/81	May 30/81
amended.....		259/82	May 8/82
amended.....		667/82	Oct. 23/82
amended.....		115/84	Mar. 10/84
amended.....		780/84	Dec. 22/84
amended.....		359/86	July 5/86
amended.....		115/87	Mar. 21/87
LOAN AND TRUST CORPORATIONS ACT			
Approved Trust Companies.....	588		
amended.....		347/82	June 12/82
amended.....		650/82	Oct. 16/82
amended..... (revoked by 18/87)		730/84	Dec. 1/84
Approved Trust Companies.....		18/87	Feb. 7/87

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Common Trust Funds	589		
amended		784/82	Dec. 18/82
Financial Standards - Loan Corporations	590		
amended		667/84	Nov. 10/84
- Trust Companies	591		
amended		666/84	Nov. 10/84
Financial Statements	592		
Loan Corporations Special Shares - Investment	593		
Schedule of Fees	594		
amended		146/86	Apr. 5/86
Subordinated Notes - Loan Corporation	595		
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Trust Company Special Shares - Investment	597		
LOCAL ROADS BOARDS ACT			
Establishment of Local Roads Areas - Northern and Eastern Regions	598		
amended		78/81	Mar. 7/81
amended		88/81	Mar. 14/81
amended		235/81	May 2/81
amended		259/81	May 16/81
amended		546/81	Sept. 5/81
amended		77/82	Mar. 6/82
amended		265/82	May 8/82
amended		360/82	June 12/82
amended		22/83	Jan. 29/83
amended		76/83	Feb. 19/83
amended		193/83	Apr. 16/83
amended		214/83	Apr. 30/83
amended		314/83	June 4/83
amended		422/83	July 16/83
amended		670/83	Nov. 5/83
amended		241/84	May 5/84
amended		656/84	Nov. 3/84
amended		80/85	Mar. 9/85
amended		169/85	Apr. 20/85
amended		312/85	June 22/85
amended		342/85	July 6/85
amended		651/85	Dec. 28/85
amended		55/86	Feb. 22/86
amended		166/86	Apr. 12/86
amended		220/86	May 10/86
amended		255/86	May 24/86
amended		318/86	June 21/86
amended		477/86	Aug. 30/86
amended		604/86	Oct. 25/86
amended		33/87	Feb. 14/87
amended		399/87	July 18/87

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amended		545/87	Oct. 17/87
amended		602/87	Nov. 21/87
Northwestern Region	599		
amended		452/81	July 18/81
amended		625/81	Oct. 10/81
amended		66/82	Feb. 20/82
amended		258/82	May 1/82
amended		310/82	May 22/82
amended		7/83	Jan. 22/83
amended		87/83	Feb. 26/83
amended		254/83	May 14/83
amended		355/83	July 2/83
amended		132/84	Mar. 17/84
amended		274/84	May 19/84
amended		657/84	Nov. 3/84
amended		17/85	Feb. 9/85
amended		182/85	May 4/85
amended		201/85	May 25/85
amended		389/85	Aug. 17/85
amended		483/85	Oct. 12/85
amended		178/86	Apr. 19/86
amended		284/86	May 31/86
amended		374/86	July 12/86
amended		588/86	Oct. 18/86
amended		723/86	Dec. 27/86
amended		168/87	Apr. 18/87
amended		371/87	July 11/87
General	600		
LOCAL SERVICES BOARDS ACT			
Dissolution of Local Services Board - Croft Local Services Board		2/87	Jan. 24/87
Establishment of Local Services Board - Community of Alban		607/81	Sept. 26/81
Community of Armstrong	601		
amended		764/84	Dec. 15/84
Community of Bourkes		525/85	Nov. 2/85
Community of Britt		274/82	May 8/82
Community of Campbell Township		727/81	Nov. 14/81
Community of Caramat		597/81	Sept. 19/81
Community of Cartier		326/82	May 29/82
Community of Croft (revoked by 2/87)		778/83	Dec. 31/83
Community of Drayton		96/81	Mar. 14/81
Community of Ferguson		435/85	Sept. 14/85
Community of Foleyet	602		

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Community of Gogama	603		
amended		850/81	Jan. 9/82
amended		288/87	June 13/87
Community of Goulais River		642/85	Dec. 28/85
amended		739/86	Jan. 3/87
amended		275/87	June 6/87
Community of Hallebourg		688/85	Jan. 4/86
Community of Hawk Junction		85/81	Mar. 14/81
Community of Heron Bay		259/86	May 24/86
Community of Hudson	604		
amended		131/82	Mar. 20/82
amended		649/84	Oct. 27/84
Community of Hurkett		119/81	Mar. 14/81
Community of Jogues		459/85	Sept. 28/85
amended		706/86	Dec. 20/86
Community of Kaministiquia		410/85	Aug. 31/85
Community of King - Lebel		806/82	Dec. 25/82
Community of Lappe		556/82	Aug. 28/82
amended		548/87	Oct. 17/87
Community of Lee Valley		458/85	Sept. 28/85
Community of Madawaska		741/82	Nov. 20/82
Community of Madsen	605		
Community of Maisonville		542/87	Oct. 10/87
Community of Marter		87/87	Mar. 7/87
Community of Minaki		212/83	Apr. 30/83
Community of Missanabie		471/82	July 24/82
amended		800/83	Jan. 7/84
Community of Moose Factory		664/86	Nov. 29/86
amended		287/87	June 13/87
Community of Nestor Falls		795/81	Dec. 12/81
Community of Oba		849/82	Jan. 15/83
Community of Peace Tree		289/87	June 13/87
Community of Pearson		472/82	July 24/82
Community of Redditt		796/81	Dec. 12/81
Community of Restoule		633/81	Oct. 17/81
amended		92/85	Mar. 9/85

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Community of Robinson		333/81	June 6/81
Community of Rossport		782/82	Dec. 11/82
Community of Savant Lake		592/86	Oct. 18/86
Community of Savard and Area		528/83	Sept. 3/83
Community of Searchmont		596/81	Sept. 19/81
Community of Shakespeare		527/83	Sept. 3/83
Community of Sultan		473/82	July 24/82
Community of Thorne		58/82	Feb. 20/82
amended		503/84	Aug. 25/84
Community of Wabigoon		7/81	Jan. 31/81
amended		549/87	Oct. 17/87
Community of Willisville and Whitefish Falls		327/82	May 29/82
amended		445/82	July 17/82
amended		765/84	Dec. 15/84

M

MARRIAGE ACT

General	606		
amended		331/86	June 28/86

MEAT INSPECTION ACT (ONTARIO)

General	607		

MECHANICS' LIEN ACT
(See now Construction Lien Act, 1983)

General	608		
amended		733/81	Nov. 21/81
(superseded)			

MENTAL HEALTH ACT

Application of Act	609		
amended		173/81	Apr. 11/81
amended		454/81	July 18/81
amended		463/81	July 25/81
amended		207/82	Apr. 24/82
amended		225/82	May 1/82
amended		524/82	Aug. 14/82
amended		745/82	Nov. 27/82
amended		162/83	Apr. 9/83
amended		241/83	May 14/83
amended		542/83	Sept. 10/83
amended		543/83	Sept. 10/83
amended		673/83	Nov. 5/83

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amended		154/84	Mar. 24/84
amended		155/84	Mar. 24/84
amended		261/84	May 12/84
amended		138/85	Apr. 20/85
amended		439/85	Sept. 21/85
amended		440/85	Sept. 21/85
amended		480/85	Oct. 12/85
amended		61/86	Feb. 22/86
amended		354/86	July 5/86
amended		489/86	Aug. 30/86
amended		694/86	Dec. 13/86
amended		702/86	Dec. 20/86
amended		734/86	Jan. 3/87
amended		348/87	July 4/87
amended		391/87	July 18/87
amended		582/87	Nov. 7/87
Grants	610		
amended		174/81	Apr. 11/81
amended		215/81	Apr. 25/81
amended		226/82	May 1/82
amended		804/82	Dec. 25/82
amended		522/83	Sept. 3/83
amended		153/84	Mar. 24/84
amended		262/84	May 12/84
amended		139/85	Apr. 20/85
amended		349/87	July 4/87
MENTAL HOSPITALS ACT			
Application of Section 10 of the Public Hospitals Act		214/81	Apr. 25/81
General	611		
amended		172/81	Apr. 11/81
amended		682/81	Oct. 31/81
amended		237/82	May 1/82
amended		231/83	May 7/83
amended		210/84	Apr. 28/84
amended		665/84	Nov. 10/84
amended		272/85	June 15/85
amended		92/86	Mar. 8/86
amended		407/87	July 25/87
METROPOLITAN POLICE FORCE COMPLAINTS PROJECT ACT, 1981 (See now Metropolitan Toronto Police Force Complaints Act, 1984)			
METROPOLITAN TORONTO POLICE FORCE COMPLAINTS ACT, 1984			
General (revoked by 494/85)		854/81	Jan. 9/82
General		494/85	Oct. 19/85
amended		690/87	Jan. 2/88

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MILK ACT			
By-Laws for Marketing Boards	612		
Cheese			
- Exchanges	613		
amended		757/81	Nov. 28/81
(revoked by 531/84)			
- Information to be Furnished	614		
- Marketing	615		
- Marketing - Exemptions	616		
amended		197/81	Apr. 18/81
amended		196/82	Apr. 17/82
amended		322/82	May 29/82
amended		200/83	Apr. 16/83
amended		195/84	Apr. 14/84
amended		165/85	Apr. 20/85
amended		177/86	Apr. 19/86
amended		179/87	Apr. 18/87
Cheese Exchange		531/84	Sept. 1/84
Cream for Processing			
- Plan	617		
amended		507/86	Sept. 13/86
- Marketing	618		
amended		599/81	Sept. 19/81
Cream Producers			
- Licences	619		
amended		855/81	Jan. 9/82
amended		380/82	June 19/82
amended		701/85	Jan. 18/86
amended		243/87	May 23/87
Grade A Milk - Marketing	620		
amended		40/81	Feb. 14/81
amended		195/81	Apr. 18/81
amended		266/81	May 16/81
amended		515/81	Aug. 15/81
(revoked by 541/81)			
Grade A Milk - Producers	621		
(revoked by 45/82)			
Grades, Standards, Designations, Classes, Packing and Marking	622		
amended		732/82	Nov. 20/82
amended		31/84	Feb. 4/84
amended		630/84	Oct. 20/84
amended		584/86	Oct. 18/86
Industrial Milk - Marketing	623		
amended		41/81	Feb 14/81
amended		196/81	Apr. 18/81
amended		267/81	May 16/81
amended		516/81	Aug. 15/81

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amended		594/81	Sept. 19/81
amended		650/81	Oct. 17/81
amended		877/81	Jan. 16/82
amended		47/82	Feb. 20/82
amended		522/82	Aug. 14/82
amended		559/82	Aug. 28/82
amended		592/82	Sept. 18/82
amended		725/82	Nov. 13/82
amended		857/82	Jan. 15/83
amended		81/83	Feb. 19/83
amended		199/83	Apr. 16/83
amended		253/83	May 14/83
amended		479/83	Aug. 13/83
amended		556/83	Sept. 17/83
amended		812/83	Jan. 14/84
amended		60/84	Feb. 18/84
amended		197/84	Apr. 14/84
amended		272/84	May 12/84
amended		493/84	Aug. 18/84
amended		571/84	Sept. 15/84
amended		166/85	Apr. 20/85
amended		418/85	Aug. 31/85
amended		433/85	Sept. 14/85
amended		488/85	Oct. 19/85
amended		508/85	Oct. 26/85
amended		453/86	Aug. 16/86
amended		481/86	Aug. 30/86
amended		499/86	Sept. 13/86
amended		454/87	Aug. 15/87
Levies - Milk		484/81	Aug. 1/81
Marketing Boards	624		
Marketing of Milk to Fluid Milk Processors		541/81	Sept. 5/81
amended		593/81	Sept. 19/81
amended		649/81	Oct. 17/81
amended		723/81	Nov. 14/81
amended		876/81	Jan. 16/82
amended		46/82	Feb. 20/82
amended		523/82	Aug. 14/82
amended		558/82	Aug. 28/82
amended		591/82	Sept. 18/82
amended		679/82	Oct. 23/82
amended		724/82	Nov. 13/82
amended		856/82	Jan. 15/83
amended		79/83	Feb. 19/83
amended		198/83	Apr. 16/83
amended		252/83	May 14/83
amended		478/83	Aug. 13/83
amended		555/83	Sept. 17/83
amended		811/83	Jan. 14/84
amended		21/84	Jan. 28/84
amended		59/84	Feb. 18/84
amended		105/84	Mar. 3/84
amended		196/84	Apr. 14/84
amended		270/84	May 12/84
amended		271/84	May 12/84
amended		492/84	Aug. 18/84
amended		570/84	Sept. 15/84
amended		801/84	Jan. 5/85

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amended		164/85	Apr. 20/85
amended		417/85	Aug. 31/85
amended		434/85	Sept. 14/85
amended		489/85	Oct. 19/85
amended		507/85	Oct. 26/85
amended		452/86	Aug. 16/86
amended		482/86	Aug. 30/86
amended		500/86	Sept. 13/86
amended		455/87	Aug. 15/87
Milk			
- Marketing	625		
amended		475/81	Aug. 1/81
amended		5/82	Jan. 23/82
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- Transportation		442/81	July 11/81
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- Plan	628		
amended		488/87	Sept. 12/87
Milk and Milk Products	629		
amended		595/81	Sept. 19/81
amended		746/81	Nov. 28/81
amended		145/82	Mar. 27/82
amended		291/82	May 15/82
amended		113/83	Mar. 19/83
amended		658/83	Oct. 29/83
amended (revoked by 250/87)		506/86	Sept. 13/86
Milk and Milk Products		250/87	May 30/87
Milk Producers			
- Licences	630		
amended (revoked by 45/82)		42/81	Feb. 14/81
Milk Producers, Licences, Quotas, Pools and Transportation		45/82	Feb. 20/82
amended		80/83	Feb. 19/83
amended		58/84	Feb. 18/84
amended		54/85	Feb. 16/85
amended		53/86	Feb. 15/86
amended		52/87	Feb. 14/87
Milk Products - Extension of Powers		80/81	Mar. 14/81
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amended.....		196/87	Apr. 25/87
- Colleges.....	641		
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amended.....		387/81	June 27/81
amended.....		577/82	Sept. 11/82
amended.....		725/83	Dec. 10/83
amended.....		430/84	July 14/84
amended.....		441/85	Sept. 21/85
amended.....		476/86	Aug. 30/86
amended.....		253/87	May 30/87
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amended.....		29/84	Feb. 4/84
amended.....		107/87	Mar. 14/87
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amended.....		103/82	Mar. 6/82
amended.....		278/82	May 15/82
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amended		61/87	Feb. 21/87
amended		242/87	May 23/87
amended		419/87	Aug. 8/87
amended		420/87	Aug. 8/87
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amended		408/87	July 25/87
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amended		443/83	July 23/83
amended		494/84	Aug. 18/84
amended		429/85	Sept. 14/85
amended		350/86	June 28/86
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amended		421/87	Aug. 8/87
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amended		769/82	Dec. 11/82
amended		211/84	Apr. 28/84
amended		423/87	Aug. 8/87
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Special Grant	660		
Special Grant		175/87	Apr. 18/87
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amended		212/84	Apr. 28/84
amended		422/87	Aug. 8/87
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amended		233/81	May 2/81
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amended		188/87	Apr. 18/87
amended		511/87	Sept. 19/87
amended		620/87	Dec. 5/87
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amended.....		219/81	Apr. 25/81
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amended.....		112/84	Mar. 10/84

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amended		704/81	Nov. 7/81
amended		613/83	Oct. 15/83
amended		582/85	Nov. 23/85
amended		271/86	May 24/86
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General	665		
amended		703/81	Nov. 7/81
amended		617/83	Oct. 15/83
amended		54/86	Feb. 15/86
amended		272/86	May 24/86
MOTOR VEHICLE FUEL TAX ACT (See now Fuel Tax Act, 1981)			
Forms	666		
amended		271/82	May 8/82
General	667		
amended		181/81	Apr. 11/81
amended		847/81	Jan. 9/82
amended		39/82	Feb. 13/82
amended		248/82	May 1/82
Taxable Price and Tax Payable on Motor Vehicle Fuel and Fuel to Propel Railway Equipment		440/81	July 11/81
amended		630/81	Oct. 10/81
amended		871/81	Jan. 16/82
amended		186/82	Apr. 10/82
amended		448/82	July 17/82
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amended		111/82	Mar. 13/82
amended		91/84	Mar. 3/84
amended		84/85	Mar. 9/85
amended		585/85	Nov. 30/85
amended		472/86	Aug. 23/86

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amended		454/83	July 30/83
amended		48/84	Feb. 18/84
amended		637/85	Dec. 21/85
amended		45/87	Feb. 14/87
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Tax Arrears and Tax Sale Procedures..... (revoked by 13/84)		641/83	Oct. 29/83
Tax Arrears and Tax Sale Procedures.....		13/84	Jan. 28/84
MUNICIPAL BOUNDARY NEGOTIATIONS ACT, 1981			
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Alliston (Town of), Township of Adjala Boundary.....		670/85	Jan. 4/86
Almonte (Town of), Township of Ramsay Boundary.....		246/84	May 5/84
Arnprior (Town of), Township of McNab Boundary.....		716/87	Jan. 9/88
Aylmer (Town of), Township of Malahide Boundary.....		757/86	Jan. 10/87
Beeton (Village of), Township of Tecumseth Boundary.....		815/83	Jan. 14/84
Belleville (City of), Township of Thurlow-County of Hastings Boundary.....		397/85	Aug. 17/85
Blenheim (Town of), Township of Harwich Boundary.....		49/87	Feb. 14/87
Brockville (City of), Township of Elizabethtown Boundary.....		429/86	Aug. 16/86
Chatham (City of), Dover Township Boundary.....		102/83	Mar. 5/83
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Chatham (City of), Township of Chatham Boundary.....		718/87	Jan. 9/88
Cobourg (Town of), Hamilton Township Boundary.....		692/82	Oct. 30/82
Cookstown (Village of), Township of East Boundary.....		738/84	Dec. 8/84
Cookstown (Village of), Township of Tecumseth Boundary.....		835/84	Jan. 19/85

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County of Oxford, Town of Tillsonburg, Township of South - West Oxford Boundary...		832/84	Jan. 19/85
Elora (Village of), Township of Nichol Boundary.....		554/83	Sept. 17/83
Fenelon Falls (Village of), Township of Fenelon Boundary.....		692/85	Jan. 11/86
Forest (Town of), Township of Warwick Boundary.....		756/86	Jan. 10/87
Glencoe (Village of), Township of Ekfrid Boundary.....		335/85	July 6/85
Glencoe (Village of), Township of Ekfrid- Township of Mosa Boundary.....		220/84	Apr. 28/84
Goderich (Town of), Township of Goderich Boundary.....		364/86	July 12/86
Guelph (City of), Township of Guelph Boundary.....		153/87	Apr. 11/87
Harriston (Town of), Township of Minto Boundary.....		480/86	Aug. 30/86
Harrow (Town of), Township of Colchester South Boundary.....		558/85	Nov. 16/85
Hensall (Village of), Township of Tuckersmith Boundary.....		739/84	Dec. 8/84
Hilton Beach (Village of), Township of Hilton Boundary.....		694/85	Jan. 11/86
Iroquois (Village of), Township of Matilda Boundary.....		683/83	Nov. 12/83
Lancaster (Village of), Township of Lancaster Boundary.....		813/83	Jan. 14/84
Leamington (Town of), Township of Mersea Boundary.....		369/84	June 23/84
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Merrickville (Village of), Township of Montague, Township of Wolford Boundary.....		530/84	Sept. 1/84
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Neebing (Municipality of), City of Thunder Bay Boundary		700/86	Dec. 20/86
Owen Sound (City of), Township of Sydenham Boundary		331/87	June 27/87
Palmerston (Town of), Township of Minto Boundary		629/85	Dec. 21/85
Penetanguishene (Town of) Township of Tiny Boundary		376/87	July 11/87
Petrolia (Town of), Township of Enniskillen Boundary		553/83	Sept. 17/83
Picton (Town of), Township of Hallowell Boundary		325/84	June 9/84
Picton (Town of), Township of Hallowell Boundary		667/86	Dec. 6/86
Regional Municipality of Ottawa-Carleton, City of Ottawa - City of Nepean Boundary		834/84	Jan. 19/85
Ridgetown (Town of), Township of Howard Boundary		601/83	Oct. 15/83
Ridgetown (Town of), Township of Howard Boundary		755/86	Jan. 10/87
Ridgetown (Town of), Township of Howard Boundary		605/87	Nov. 28/87
Rockland (Town of), Township of Clarence Boundary		814/83	Jan. 14/84
Shallow Lake (Village of), Township of Keppel Boundary		833/84	Jan. 19/85
Shelburne (Town of), Township of Amaranth Boundary		211/86	May 3/86
South Plantagenet (Township of), Village of St. Isidore de Prescott		582/86	Oct. 18/86
Sydenham (Township of), City of Owen Sound Boundary		671/85	Jan. 4/86
Tilbury (Town of), Township of Tilbury North Boundary		831/84	Jan. 19/85
Tilbury (Town of), Township of Tilbury North Boundary		717/87	Jan. 9/88
Tilbury (Town of), Township of Tilbury North, Township of Tilbury East Boundary		326/84	June 9/84
Trenton (City of), Township of Sidney - County of Hastings Boundary		630/85	Dec. 21/85

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Tweed (Village of), Township of Hungerford Boundary		761/84	Dec. 15/84
Walkerton (Town of), Township of Brant Boundary		482/85	Oct. 12/85
Welland (City of), Town of Pelham Boundary		693/85	Jan. 11/86
Wheatley (Village of), Township of Romney Boundary		668/85	Jan. 4/86
Winchester (Village of), Township of Winchester Boundary		602/83	Oct. 15/83
Woodstock (City of), Township of Blandford-Blenheim Boundary		50/87	Feb. 14/87
MUNICIPAL ELECTIONS ACT			
Forms	681		
amended		475/82	July 24/82
Use of Vote Tabulators		562/87	Oct. 24/87
Use of Voting Recorders	682		
amended		555/82	Aug. 28/82
amended		561/87	Oct. 24/87
MUNICIPAL TAX SALES ACT, 1984			
Forms (revoked by 444/85)		830/84	Jan. 19/85
Municipal Tax Sales Rules		444/85	Sept. 21/85 (B)
amended		233/86	May 17/86
MUNICIPALITY OF METROPOLITAN TORONTO ACT			
Order - Borough of Etobicoke		394/83	July 9/83
Order - Borough of Scarborough		395/83	July 9/83
Order - Borough of York		396/83	July 9/83
N			
NIAGARA ESCARPMENT PLANNING AND DEVELOPMENT ACT			
Designation of Area of Development Control	683		
amended		493/81	Aug. 8/81
amended		799/81	Dec. 12/81
amended		874/81	Jan. 16/82
amended		740/82	Nov. 20/82
amended		790/82	Dec. 18/82
amended		6/83	Jan. 22/83

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amended		8/83	Jan. 22/83
amended		84/83	Feb. 19/83
amended		176/83	Apr. 16/83
amended		177/83	Apr. 16/83
amended		665/83	Oct. 29/83
amended		666/83	Oct. 29/83
amended		667/83	Oct. 29/83
amended		668/83	Oct. 29/83
amended		669/83	Oct. 29/83
amended		233/84	Apr. 28/84
amended		247/84	May 12/84
amended		343/84	June 16/84
amended		434/84	July 21/84
amended		106/85	Mar. 23/85
amended		365/85	July 13/85
amended		369/85	July 20/85
amended		588/85	Dec. 7/85
amended		289/86	May 31/86
amended		343/86	June 28/86
amended		563/86	Oct. 11/86
amended		573/86	Oct. 11/86
amended		750/86	Jan. 10/87
amended		182/87	Apr. 18/87
amended		230/87	May 16/87
amended		558/87	Oct. 17/87
amended		560/87	Oct. 17/87
amended		610/87	Dec. 5/87
amended		630/87	Dec. 12/87
amended		645/87	Dec. 19/87
amended		646/87	Dec. 19/87
Designation of Planning Area	684		
amended		9/81	Jan. 31/81
amended		849/81	Jan. 9/82
Development Within the Development Control Area	685		
amended		836/81	Jan. 2/82
amended		181/82	Apr. 10/82
amended		694/82	Nov. 6/82
amended		729/84	Dec. 1/84
amended		469/85	Oct. 5/85
amended		98/86	Mar. 15/86
amended		290/86	May 31/86
amended		716/86	Dec. 27/86
NIAGARA PARKS ACT			
General	686		
amended		390/81	June 27/81
amended		103/84	Mar. 3/84
amended		68/86	Mar. 1/86
amended		183/86	Apr. 19/86
NON-RESIDENT AGRICULTURAL LAND INTERESTS REGISTRATION ACT			
General	687		
amended		753/83	Dec. 17/83

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NORTH PICKERING DEVELOPMENT CORPORATION ACT			
North Pickering Planning Area	688		
NOTARIES ACT			
Fees	689		
amended		424/81	July 11/81
amended		367/84	June 23/84
(revoked by 613/85)			
Fees		613/85	Dec. 14/85
NURSING HOMES ACT			
General	690		
amended		39/81	Feb. 14/81
amended		299/81	May 23/81
amended		489/81	Aug. 8/81
amended		668/81	Oct. 24/81
amended		686/81	Oct. 31/81
amended		793/81	Dec. 12/81
amended		54/82	Feb. 20/82
amended		234/82	May 1/82
amended		296/82	May 22/82
amended		530/82	Aug. 21/82
amended		608/82	Sept. 25/82
amended		734/82	Nov. 20/82
amended		78/83	Feb. 19/83
amended		258/83	May 21/83
amended		459/83	Aug. 6/83
amended		550/83	Sept. 10/83
amended		703/83	Nov. 19/83
amended		790/83	Jan. 7/84
amended		61/84	Feb. 18/84
amended		287/84	May 19/84
amended		481/84	Aug. 18/84
amended		564/84	Sept. 15/84
amended		718/84	Nov. 24/84
amended		21/85	Feb. 9/85
amended		205/85	May 25/85
amended		407/85	Aug. 24/85
amended		564/85	Nov. 23/85
amended		31/86	Feb. 8/86
amended		40/86	Feb. 15/86
amended		240/86	May 17/86
amended		439/86	Aug. 16/86
amended		644/86	Nov. 15/86
amended		26/87	Feb. 7/87
amended		214/87	May 9/87
amended		299/87	June 20/87
amended		358/87	July 4/87
amended		456/87	Aug. 15/87
amended		597/87	Nov. 21/87
amended		633/87	Dec. 12/87

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O			
OCCUPATIONAL HEALTH AND SAFETY ACT			
Amending Certain Regulations		23/87	Feb. 7/87
Construction Projects	691		
amended		156/84	Mar. 24/84
amended		635/86	Nov. 15/86
Control of Exposure to Biological or Chemical Agents		654/86	Nov. 22/86
amended		707/86	Dec. 20/86
amended		339/87	June 27/87
Critical Injury - Defined		714/82	Nov. 13/82
Designated Substance -			
Acrylonitrile		733/84	Dec. 1/84
amended		23/87	Feb. 7/87
Arsenic		176/86	Apr. 12/86
amended		23/87	Feb. 7/87
Asbestos		570/82	Sept. 4/82
amended		655/85	Jan. 4/86
amended		23/87	Feb. 7/87
Asbestos on Construction Projects and in Buildings and Repair Operations		654/85	Jan. 4/86
Benzene		732/84	Dec. 1/84
amended		23/87	Feb. 7/87
Coke Oven Emissions		517/82	Aug. 14/82
amended		23/87	Feb. 7/87
Ethylene Oxide		146/87	Apr. 11/87
Isocyanates		455/83	July 30/83
amended		23/87	Feb. 7/87
Lead		536/81	Aug. 29/81
amended		23/87	Feb. 7/87
Mercury		141/82	Mar. 27/82
amended		23/87	Feb. 7/87
Silica		769/83	Dec. 24/83
amended		23/87	Feb. 7/87
Vinyl Chloride		516/82	Aug. 14/82
amended		23/87	Feb. 7/87
Diving Operations		634/86	Nov. 15/86
Fire Fighters - Protective Equipment		125/83	Mar. 26/83
Industrial Establishments	692		
amended		654/86	Nov. 22/86

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Inventory of Agents or Combination of Agents for the Purpose of Section 21 of the Act.....	693		
Mines and Mining Plants.....	694		
amended.....		626/82	Oct. 9/82
amended.....		226/83	Apr. 30/83
amended.....		569/83	Sept. 24/83
amended.....		769/83	Dec. 24/83
amended.....		190/84	Apr. 14/84
amended.....		306/85	June 22/85
amended.....		365/86	July 12/86
amended.....		450/86	Aug. 16/86
amended.....		569/86	Oct. 11/86
amended.....		654/86	Nov. 22/86
amended.....		258/87	May 30/87
Oil and Gas - Offshore.....		633/86	Nov. 15/86
Teachers.....		191/84	Apr. 14/84
University Academics and Teaching Assistants.....		307/84	May 26/84
X-Ray Safety.....		632/86	Nov. 15/86
X-Ray Safety, Registration and Plan Review..... (revoked by 632/86)		263/84	May 12/84
OFFICIAL NOTICES PUBLICATION ACT			
Rates.....	695		
amended.....		97/81	Mar. 14/81
amended..... (revoked by 149/83)		190/82	Apr. 10/82
Rates.....		149/83	Apr. 2/83
amended..... (revoked by 167/85)		206/84	Apr. 28/84
Rates..... (revoked by 219/86)		167/85	Apr. 20/85
Rates..... (revoked by 136/87)		219/86	May 10/86
Rates.....		136/87	Apr. 4/87
OFF-ROAD VEHICLES ACT, 1983			
General.....		47/84	Feb. 18/84
amended.....		426/84	July 14/84
OLEOMARGARINE ACT			
General.....	696		
amended.....		295/84	May 26/84
OMBUDSMAN ACT			
General Rules.....	697		

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ONTARIO AGRICULTURAL MUSEUM ACT			
Fees	698		
amended		322/81	May 30/81
General	699		
ONTARIO DRUG BENEFIT ACT, 1986			
General		689/86	Dec. 13/86
amended		738/86	Jan. 3/87
amended		747/86	Jan. 3/87
amended		55/87	Feb. 21/87
amended		56/87	Feb. 21/87
amended		141/87	Apr. 4/87
amended		185/87	Apr. 18/87
amended		186/87	Apr. 18/87
amended		270/87	June 6/87
amended		271/87	June 6/87
amended		352/87	July 4/87
amended		354/87	July 4/87
amended		356/87	July 4/87
amended		373/87	July 11/87
amended		513/87	Sept. 19/87
amended		661/87	Dec. 19/87
ONTARIO ENERGY BOARD ACT			
General	700		
amended		330/81	June 6/81
amended		805/82	Dec. 25/82
amended		820/82	Jan. 1/83
amended		816/84	Jan. 19/85
amended		97/87	Mar. 14/87
amended		598/87	Nov. 21/87
amended		670/87	Dec. 26/87
Rules of Procedure	701		
Uniform System of Accounts for Gas Utilities Class A	702		
ONTARIO FOOD TERMINAL ACT			
Composition and Procedure of Board	703		
Conduct of Business	704		
Rental Fees for Delivering or Discharging Produce	705		
revoked		198/85	May 18/85
ONTARIO GUARANTEED ANNUAL INCOME ACT			
Forms (revoked by 231/82)	706		
Forms		231/82	May 1/82
amended		432/83	July 23/83

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General	707		
amended		412/81	July 4/81
amended		230/82	May 1/82
amended		333/83	June 18/83
amended		758/83	Dec. 17/83
Guaranteed Income Limit (revoked by 345/81)	708		
Guaranteed Income Limit (revoked by 432/81)		345/81	June 6/81
Guaranteed Income Limit (revoked by 681/81)		432/81	July 11/81
Guaranteed Income Limit (revoked by 865/81)		681/81	Oct. 31/81
Guaranteed Income Limit (revoked by 252/82)		865/81	Jan. 19/82
Guaranteed Income Limit (revoked by 480/82)		252/82	May 1/82
Guaranteed Income Limit (revoked by 687/82)		480/82	July 31/82
Guaranteed Income Limit (revoked by 62/83)		687/82	Oct. 30/82
Guaranteed Income Limit (revoked by 465/83)		62/83	Feb. 12/83
Guaranteed Income Limit (revoked by 759/83)		465/83	Aug. 6/83
Guaranteed Income Limit (revoked by 40/84)		759/83	Dec. 17/83
Guaranteed Income Limit (revoked by 264/84)		40/84	Feb. 11/84
Guaranteed Income Limit (revoked by 529/84)		264/84	May 12/84
Guaranteed Income Limit (revoked by 712/84)		529/84	Sept. 1/84
Guaranteed Income Limit (revoked by 769/84)		712/84	Nov. 17/84
Guaranteed Income Limit (revoked by 118/85)		769/84	Dec. 22/84
Guaranteed Income Limit (revoked by 310/85)		118/85	Mar. 23/85
Guaranteed Income Limit (revoked by 411/85)		310/85	June 22/85

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Guaranteed Income Limit..... (revoked by 543/85)		411/85	Aug. 31/85
Guaranteed Income Limit..... (revoked by 133/86)		543/85	Nov. 16/85
Guaranteed Income Limit..... (revoked by 285/86)		133/86	Apr. 5/86
Guaranteed Income Limit..... (revoked by 409/86)		285/86	May 31/86
Guaranteed Income Limit..... (revoked by 599/86)		409/86	Aug. 2/86
Guaranteed Income Limit..... (revoked by 46/87)		599/86	Oct. 25/86
Guaranteed Income Limit..... (revoked by 277/87)		46/87	Feb. 14/87
Guaranteed Income Limit..... (revoked by 413/87)		277/87	June 6/87
Guaranteed Income Limit..... (revoked by 588/87)		413/87	Aug. 1/87
Guaranteed Income Limit.....		588/87	Nov. 14/87
ONTARIO HERITAGE ACT			
Archaeological Sites.....	709		
Historic Sites.....	710		
Grants and Loans.....	711		
Grants to Incorporated Historical Societies and Associations..... (revoked by 418/84)	712		
Grants to Incorporated Historical Societies and Associations.....		418/84	July 14/84
Grants for Museums.....	713		
revoked		689/81	Oct. 13/81
Grants for Museums.....		398/81	July 4/81
amended.....		729/81	Nov. 14/81
amended.....		224/83	Apr. 30/83
amended.....		417/84	July 14/84
Grants for Plaquing.....	714		
Licences..... (revoked by 212/82)	715		
Licences.....		212/82	Apr. 24/82

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ONTARIO HIGHWAY TRANSPORT BOARD ACT			
Rules of Procedure	716		
amended		120/82	Mar. 20/82
amended		546/82	Aug. 21/82
amended		170/86	Apr. 12/86
amended		436/86	Aug. 16/86
ONTARIO HUMAN RIGHTS CODE (See now Human Rights Code, 1981 - S.O. 1981, c. 53)			
Form of Complaint (expired)	717		
ONTARIO INSTITUTE FOR STUDIES IN EDUCATION ACT			
General	718		
ONTARIO LOTTERY CORPORATION ACT			
General	719		
ONTARIO MINERAL EXPLORATION PROGRAM ACT			
General	720		
amended		82/81	Mar. 14/81
General	721		
ONTARIO MUNICIPAL BOARD ACT			
Fees (revoked by 330/86)		642/84	Oct. 27/84
Fees		330/86	June 28/86
Procedure (revoked by 537/87)	722		
Rules of Procedure		537/87	Oct. 10/87
Tariff of Fees	723		
amended		623/81	Oct. 10/81
amended		330/82	June 5/82
amended (revoked by 642/84)		61/83	Feb. 12/83
ONTARIO MUNICIPAL EMPLOYEES RETIREMENT SYSTEM ACT			
General	724		
amended		641/81	Oct. 17/81
amended		389/82	June 19/82
amended		70/83	Feb. 12/83
amended		359/83	July 2/83
amended		349/84	June 16/84
amended		250/85	June 8/85
amended		393/86	July 12/86
amended		92/87	Mar. 7/87
amended		343/87	July 4/87
amended		721/87	Jan. 9/88

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ONTARIO MUNICIPAL IMPROVEMENT CORPORATION ACT			
Procedure	725		
ONTARIO NEW HOME WARRANTIES PLAN ACT			
Administration of the Plan	726		
amended		142/81	Mar. 28/81
amended		289/82	May 15/82
amended		120/83	Mar. 19/83
amended		78/84	Feb. 25/84
amended		677/84	Nov. 10/84
amended		219/87	May 9/87
amended		295/87	June 13/87
Designation of Corporation	727		
amended		777/84	Dec. 22/84
Terms and Conditions of Registration of Builders and Vendors	728		
amended		362/87	July 4/87
Warranty		218/87	May 9/87
ONTARIO PENSIONERS PROPERTY TAX ASSISTANCE ACT			
Amount - Clause 2(2)(a) of the Act		363/87	July 4/87
Definition - "Rent Paid"	729		
revoked		363/82	June 12/82
General (revoked by 776/81)	730		
General		776/81	Dec. 5/81
amended		688/82	Oct. 30/82
amended		757/83	Dec. 17/83
amended		713/84	Nov. 17/84
amended		286/86	May 31/86
General (revoked by 726/81)	731		
General (revoked by 635/82)		726/81	Nov. 14/81
General		635/82	Oct. 9/82
amended		393/83	July 9/83
amended (revoked by 695/83)		513/83	Aug. 27/83
General (revoked by 654/84)		695/83	Nov. 19/83
General		654/84	Nov. 3/84
amended		438/85	Sept. 21/85

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ONTARIO PLACE CORPORATION ACT			
Fees	732		
amended		255/81	May 16/81
amended		784/81	Dec. 5/81
amended		726/82	Nov. 13/82
amended		287/83	May 28/83
amended		746/83	Dec. 17/83
amended		258/84	May 12/84
amended		836/84	Jan. 19/85
amended		216/85	June 1/85
amended		338/85	July 6/85
amended		398/85	Aug. 17/85
amended		635/85	Dec. 21/85
amended		153/86	Apr. 12/86
amended		555/86	Oct. 4/86
amended		246/87	May 30/87
ONTARIO PLANNING AND DEVELOPMENT ACT			
Amendment to Local Plan - Vaughan Planning Area		76/81	Mar. 7/81
ONTARIO TELEPHONE DEVELOPMENT CORPORATION ACT			
Composition of Corporation	733		
ONTARIO UNCONDITIONAL GRANTS ACT			
Determination of Apportionments, Levies and Requisitions, 1981		579/81	Sept. 12/81
amended		104/82	Mar. 6/82
Determination of Apportionments and Levies, 1982		648/82	Oct. 16/82
Determination of Apportionments and Levies, 1983		289/83	May 28/83
Determination of Apportionments and Levies, 1984		255/84	May 12/84
Determination of Apportionments and Levies, 1985		251/85	June 8/85
Determination of Apportionments and Levies, 1986		360/86	July 5/86
Determination of Apportionments and Levies, 1987		501/87	Sept. 12/87
amended		643/87	Dec. 19/87
Determination of Apportionments and Levies, for District Boards, 1987		577/87	Nov. 7/87
General (revoked by 578/81)	734		
General		578/81	Sept. 12/81
amended		105/82	Mar. 6/82
amended (revoked by 565/82)		413/82	July 3/82

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General..... (revoked by 246/83)		565/82	Sept. 4/82
General..... (revoked by 453/84)		246/83	May 14/83
General..... (revoked by 339/85)		453/84	July 28/84
General.....		339/85	July 6/85
amended..... (revoked by 527/86)		568/85	Nov. 23/85
General.....		527/86	Sept. 20/86
ONTARIO UNIVERSITIES CAPITAL AID CORPORATION ACT			
Designated Universities.....	735		
ONTARIO WATER RESOURCES ACT			
Honda Sewage Works.....		332/85	July 6/85
Municipal Sewage and Water and Roads Class Environmental Assessment Projects.....		207/87	May 2/87
Plumbing Code.....	736		
amended.....		567/81	Sept. 12/81
amended..... (revoked by 815/84)		58/83	Feb. 5/83
Plumbing Code.....		815/84	Jan. 12/85
amended.....		675/85	Jan. 4/86
Rate of Interest.....	737		
South Cayuga Sewage Works.....	738		
revoked.....		520/81	Aug. 22/81
St. Thomas Aquinas School Sewage Works.....		531/85	Nov. 9/85
Water Wells.....	739		
amended..... (revoked by 612/84)		160/82	Apr. 3/82
Wells.....		612/84	Oct. 13/84
amended.....		132/85	Apr. 13/85
ONTARIO YOUTH EMPLOYMENT ACT			
General..... (expired)		183/81	Apr. 11/81
General..... (expired)		195/82	Apr. 17/82
General..... (expired)		163/83	Apr. 9/83
General..... (expired)		256/84	May 12/84

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General..... (revoked by 231/86)		176/85	May 4/85
General..... (revoked by 502/87)		231/86	May 17/86
General.....		502/87	Sept. 12/87
OPERATING ENGINEERS ACT			
General.....	740		
amended.....		180/82	Apr. 10/82
amended.....		406/82	June 26/82
amended.....		639/83	Oct. 29/83
amended.....		745/83	Dec. 17/83
amended.....		283/84	May 19/84
amended.....		532/86	Sept. 20/86
amended.....		265/87	May 30/87
OPHTHALMIC DISPENSERS ACT			
General.....	741		
amended.....		401/84	July 7/84
amended.....		334/87	June 27/87
amended.....		658/87	Dec. 19/87
P			
PAPERBACK AND PERIODICAL DISTRIBUTORS ACT			
General.....	742		
amended.....		611/83	Oct. 15/83
amended.....		273/86	May 24/86
PARKS ASSISTANCE ACT			
General.....	743		
PARKWAY BELT PLANNING AND DEVELOPMENT ACT			
(An asterisk (*) denotes that the Regulation has been amended prior to January 1, 1981 but the amendments are not shown.) (- for amendments to the end of 1980 - see Table of Regulations published in The Ontario Gazette dated March 14, 1981 or in the Statutes of Ontario, 1980.)			
Land Use Regulations -			
County of Halton (now The Regional Municipality of Halton), City of Burlington.....		*482/73	
amended.....		55/81	Feb. 21/81
amended.....		87/81	Mar. 14/81
amended.....		145/81	Mar. 28/81
amended.....		147/81	Apr. 4/81

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amended		275/81	May 16/81
amended		420/81	July 11/81
amended		468/81	July 25/81
amended		544/81	Sept. 5/81
amended		604/81	Sept. 19/81
amended		605/81	Sept. 19/81
amended		724/81	Nov. 14/81
amended		725/81	Nov. 14/81
amended		826/81	Dec. 26/81
amended		25/82	Feb. 13/82
amended		32/82	Feb. 13/82
amended		482/82	July 31/82
amended		566/82	Sept. 4/82
amended		757/82	Dec. 4/82
amended		818/82	Jan. 1/83
amended		201/83	Apr. 23/83
amended		202/83	Apr. 23/83
amended		318/83	June 11/83
amended		346/83	June 25/83
amended		578/83	Oct. 1/83
amended		767/83	Dec. 24/83
amended		106/84	Mar. 3/84
amended		159/84	Mar. 24/84
amended		304/84	May 26/84
amended		341/84	June 16/84
amended		457/84	Aug. 4/84
amended		504/84	Aug. 25/84
amended		539/84	Sept. 8/84
amended		561/84	Sept. 15/84
amended		53/85	Feb. 16/85
amended		173/85	Apr. 27/85
amended		199/85	May 25/85
amended		428/85	Sept. 14/85
amended		28/86	Feb. 8/86
amended		96/86	Mar. 8/86
amended		99/86	Mar. 15/86
amended		327/86	June 28/86
amended		328/86	June 28/86
amended		562/86	Oct. 11/86
amended		682/86	Dec. 13/86
amended		255/87	May 30/87
amended		344/87	July 4/87
amended		461/87	Aug. 22/87
amended		611/87	Dec. 5/87
County of Halton (now The Regional Municipality of Halton), Town of Milton		*480/73	
revoked		261/86	May 24/86
County of Halton (now part of the regional municipalities of Halton and Peel), Town of Oakville (now part of the towns of Halton Hills, Milton, Oakville and the City of Mississauga)		*481/73	
amended		15/81	Feb. 7/81
amended		146/81	Apr. 4/81
amended		184/81	Apr. 11/81
amended		192/81	Apr. 18/81
amended		258/81	May 16/81
amended		265/81	May 16/81

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amended		317/81	May 30/81
amended		386/81	June 27/81
amended		419/81	July 11/81
amended		449/81	July 18/81
amended		598/81	Sept. 19/81
amended		709/81	Nov. 7/81
amended		362/82	June 12/82
amended		377/82	June 19/82
amended		505/82	Aug. 7/82
amended		704/82	Nov. 6/82
amended		705/82	Nov. 6/82
amended		706/82	Nov. 6/82
amended		707/82	Nov. 6/82
amended		817/82	Jan. 1/83
amended		88/83	Feb. 26/83
amended		116/83	Mar. 19/83
amended		136/83	Mar. 26/83
amended		356/83	July 2/83
amended		363/83	July 9/83
amended		444/83	July 23/83
amended		471/83	Aug. 13/83
amended		635/83	Oct. 15/83
amended		715/83	Nov. 26/83
amended		232/84	Apr. 28/84
amended		305/84	May 26/84
amended		306/84	May 26/84
amended		586/84	Sept. 29/84
amended		643/84	Oct. 27/84
amended		690/84	Nov. 17/84
amended		341/85	July 6/85
amended		461/85	Sept. 28/85
amended		615/85	Dec. 14/85
amended		15/86	Feb. 1/86
amended		27/86	Feb. 8/86
amended		199/86	Apr. 26/86
amended		356/86	July 5/86
amended		408/86	July 26/86
County of Peel (now The Regional Municipality of Peel), Town of Mississauga (now part of the cities of Brampton and Mississauga)		*479/73	
amended		60/81	Feb. 21/81
amended		198/81	Apr. 18/81
amended		240/81	May 9/81
amended		244/81	May 9/81
amended		245/81	May 9/81
amended		319/81	May 30/81
amended		329/81	June 6/81
amended		464/81	July 25/81
amended		537/81	Aug. 29/81
amended		715/82	Nov. 13/82
amended		119/83	Mar. 19/83
amended		203/83	Apr. 23/83
amended		370/84	June 30/84
amended		772/84	Dec. 22/84
amended		383/85	Aug. 10/85
amended		617/85	Dec. 14/85
amended		407/86	July 26/86

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County of Peel (now The Regional Municipality of Peel), Township of Toronto Gore (now the City of Brampton)		*476/73	
amended		763/81	Nov. 28/81
amended		33/82	Feb. 13/82
amended		726/83	Dec. 10/83
revoked		32/85	Feb. 9/85
County of Peel (now The Regional Municipality of Peel), Township of Chinguacousy (now the City of Brampton)		*477/73	
amended		691/81	Nov. 7/81
County of Wentworth (now The Regional Municipality of Hamilton-Wentworth), Town of Dundas		*486/73	
amended		354/81	June 13/81
amended		1/82	Jan. 23/82
amended		693/82	Nov. 6/82
amended		26/83	Jan. 29/83
amended		728/83	Dec. 10/83
amended		432/84	July 21/84
amended		313/85	June 22/85
amended		187/86	Apr. 19/86
amended		171/87	Apr. 18/87
amended		247/87	May 30/87
amended		724/87	Jan. 16/88
County of Wentworth (now The Regional Municipality of Hamilton-Wentworth), Township of East Flamborough (now the Township of Flamborough)		*483/73	
amended		90/83	Feb. 26/83
amended		439/83	July 23/83
amended		787/84	Dec. 29/84
amended		197/85	May 18/85
County of Wentworth (now The Regional Municipality of Hamilton-Wentworth), Township of West Flamborough (now the Township of Flamborough)		*484/73	
amended		483/82	July 31/82
amended		617/82	Oct. 2/82
amended		133/83	Mar. 26/83
amended		134/83	Mar. 26/83
amended		135/83	Mar. 26/83
amended		213/83	Apr. 30/83
amended		485/83	Aug. 20/83
amended		582/83	Oct. 1/83
amended		727/83	Dec. 10/83
amended		90/85	Mar. 9/85
amended		314/85	June 22/85
amended		528/85	Nov. 9/85
amended		12/86	Feb. 1/86
amended		228/86	May 17/86
amended		406/86	July 26/86

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County of Wentworth (now The Regional Municipality of Hamilton-Wentworth), Village of Waterdown (now the Township of Flamborough)		*485/73	
amended		652/86	Nov. 22/86
Municipality of Metropolitan Toronto, Borough of Etobicoke (now the City of Etobicoke)		*478/73	
amended		506/82	Aug. 7/82
amended		95/83	Mar. 5/83
amended		328/83	June 18/83
amended		523/83	Sept. 3/83
amended		655/84	Nov. 3/84
amended		227/86	May 17/86
amended		697/86	Dec. 20/86
Regional Municipality of York, Town of Markham		*473/73	
amended		282/81	May 23/81
amended		443/81	July 11/81
amended		582/81	Sept. 12/81
amended		432/82	July 3/82
amended		437/82	July 10/82
amended		470/82	July 24/82
amended		513/82	Aug. 14/82
amended		593/82	Sept. 18/82
amended		317/83	June 11/83
amended		489/83	Aug. 20/83
amended		491/83	Aug. 20/83
amended		634/83	Oct. 10/83
amended		718/83	Dec. 3/83
amended		770/83	Dec. 24/83
amended		11/84	Jan. 28/84
amended		171/84	Apr. 7/84
amended		689/84	Nov. 17/84
amended		442/85	Sept. 21/85
amended		498/85	Oct. 26/85
amended		533/85	Nov. 9/85
amended		586/85	Nov. 30/85
amended		639/85	Dec 21/85
amended		30/86	Feb. 8/86
amended		36/86	Feb. 15/86
amended		218/86	May 10/86
amended		355/86	July 5/86
amended		361/86	July 5/86
amended		401/86	July 19/86
amended		465/86	Aug. 23/86
amended		534/86	Sept. 20/86
amended		601/86	Oct. 25/86
amended		625/86	Nov. 15/86
amended		137/87	Apr. 4/87
amended		201/87	Apr. 25/87
amended		535/87	Oct. 3/87
amended		600/87	Nov. 21/87
Regional Municipality of York, Town of Richmond Hill		*474/73	
amended		508/82	Aug. 7/82
amended		472/84	Aug. 11/84
amended		521/84	Sept. 1/84
amended		472/85	Oct. 5/85

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Regional Municipality of York, Town of Vaughan		*475/73	
amended		79/81	Mar. 7/81
amended		49/82	Feb. 20/82
amended		189/82	Apr. 10/82
amended		376/82	June 19/82
amended		387/82	June 19/82
amended		433/82	July 10/82
amended		434/82	July 10/82
amended		469/82	July 24/82
amended		507/82	Aug. 7/82
amended		620/82	Oct. 9/82
amended		104/83	Mar. 12/83
amended		413/83	July 16/83
amended		546/83	Sept. 10/83
revoked		315/84	June 2/84
Parkway Belt Planning Area	744		
PARTNERSHIPS REGISTRATION ACT			
General	745		
amended		204/84	Apr. 14/84
amended		165/87	Apr. 11/87
PENSION BENEFITS ACT			
Exemption (revoked by 723/87)		166/81	Apr. 4/81
Exemption (revoked by 323/85)		315/82	May 22/82
Exemption (revoked by 723/87)		323/85	July 6/85
General	746		
amended		101/81	Mar. 14/81
amended		262/82	May 8/82
amended		500/83	Aug. 27/83
amended		73/84	Feb. 18/84
amended		620/84	Oct. 20/84
amended		680/85	Jan. 4/86
amended		353/86	June 28/86
amended		692/86	Dec. 13/86
amended		31/87	Feb. 14/87
amended		238/87	May 23/87
amended		486/87	Sept. 5/87
amended (revoked by 723/87)		707/87	Jan. 2/88
To Revoke Certain Regulations		723/87	Jan. 9/88
PENSION BENEFITS ACT, 1987			
General		708/87	Jan. 2/88
PERSONAL PROPERTY SECURITY ACT			
Branch Offices	747		
amended		616/84	Oct. 20/84

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Fees Concerning Security Documents	748		
amended		137/84	Mar. 17/84
amended		249/86	May 17/86
amended		680/87	Dec. 26/87
General	749		
amended		838/81	Jan. 2/82
amended		264/87	May 30/87
Personal Property Security Assurance Fund	750		
PESTICIDES ACT			
General	751		
amended		252/81	May 16/81
amended		616/81	Oct. 3/81
amended		756/81	Nov. 28/81
amended		161/82	Apr. 3/82
amended		70/84	Feb. 18/84
amended		731/84	Dec. 1/84
amended		269/85	June 15/85
amended		545/85	Nov. 16/85
amended		562/85	Nov. 23/85
amended		147/86	Apr. 5/86
amended		173/86	Apr. 12/86
amended		223/86	May 10/86
amended		238/86	May 17/86
PETROLEUM RESOURCES ACT			
Exploration, Drilling and Production	752		
amended		35/82	Feb. 13/82
Protection of Designated Gas Storage Areas		666/85	Jan. 4/86
Spacing Units -			
Arthur Pool	753		
Clearville	754		
Colchester South	755		
Courtright Pool	756		
Coveny Pool	757		
Dawn 4-28-111 Pool	758		
Dawn and Sombra (Townships of)	759		
Dover 1-II-V-E Pool		318/85	June 29/85
Dover 7-5-V Pool		622/83	Oct. 15/83
Duncannon Pool	760		
Egremont (Township of)	761		
Ekfrid Pool	762		

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Enniskillen 6-15-II		485/86	Aug. 30/86
amended		577/86	Oct. 11/86
Enniskillen 7-30-IX Pool		283/86	May 31/86
General Dawn 5-27-111 Pool	763		
Gosfield South (Township of)	764		
Hemlock Pool	765		
Innerkip East Pool	766		
Innerkip Pool	767		
Ladysmith Pool	768		
Malden (Township of)	769		
Mersea 1-15-B Pool (revoked by 1/85)		584/84	Sept. 29/84
Mersea 1-15-B Pool		1/85	Jan. 26/85
Moore (Township of)	770		
Osborne Pool	771		
Otter Creek East Pool	772		
Otter Creek Pool	773		
Oxley Field	774		
Plympton 5-19-VI Pool	775		
Revallee, Rochester 1-20-V (EBR) Pool		14/86	Feb. 1/86
Ruscom River Pool	776		
St. Patrick's Pool	777		
Sombra 3-26-VI Pool		77/87	Feb. 28/87
Terminus North Pool	778		
Townsend Pool	779		
Venison Creek Pool	780		
Verschoyle West Pool	781		
Wilsonville Pool	782		
Wilsonville South Pool	783		
PITS AND QUARRIES CONTROL ACT			
General	784		
amended		157/81	Apr. 4/81
amended		323/81	May 30/81

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amended		424/84	July 14/84
amended		29/86	Feb. 8/86
amended		155/86	Apr. 12/86
PLANNING ACT (See now Planning Act, 1983)			
Delegation of Authority of Minister under Section 53 of the Planning Act - Condominium Plans (revoked by 475/83)		324/81	May 30/81
- Condominium Plans (revoked by 475/83)		147/83	Apr. 2/83
- Subdivision Plans (revoked by 476/83)		78/82	Mar. 6/82
NOTE: For Delegation of Authority Withdrawals see "Withdrawals of Delegation of Authority of Minister under....."			
Notice Requirements -			
Restricted Area By-Laws (revoked by 404/83)	785		
Order of the Minister under Section 30 of the Planning Act			
Town of Fort Erie in The Regional Municipality of Niagara, Lot 15 and parts of lots 14 and 16, Plan Number 32		2/81	Jan. 24/81
City of London in the County of Middlesex, Lot 35, Plan Number 630		3/81	Jan. 24/81
Township of Aldborough in the County of Elgin, Lot 7, Concession XII, Plan Number D-320		8/81	Jan. 31/81
Township of Essa in the County of Simcoe, Lot 19, Concession IV, Plan Number 51R-478		12/81	Feb. 7/81
Town of Bracebridge in the District Municipality of Muskoka, Lot 20 in Concession IX, Plan Number BR-1624		17/81	Feb. 7/81
Town of Fort Erie in The Regional Municipality of Niagara, Lot 40, Plan Number 1088 and Lot 57, Plan Number 200		34/81	Feb. 14/81
Town of Blind River in the Territorial District of Algoma, Lot 376, Plan Number 487		54/81	Feb. 21/81

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Town of Goderich in the County of Huron, lots 865 and 866, lots 888 and 889, Plan Number 7.....		74/81	Mar. 7/81
City of Hamilton in The Regional Municipality of Hamilton-Wentworth, lots 6, 7, 8 and part of Lot 9 Plan Number 62R-423.....		86/81	Mar. 14/81
Township of Bedford in the County of Frontenac, Lot 31, Concession VII, Plan Number R-95		124/81	Mar. 21/81
Township of Paipoonge in the Territorial District of Thunder Bay, Lot 25, Concession III, Parcel 2094.....		189/81	Apr. 11/81
Township of Snowdon in the Provisional County of Haliburton, Plan Number 19R-538.....		211/81	Apr. 25/81
Town of Newcastle, formerly in the Township of Darlington, in the County of Durham, Lot 23, Concession III.....		234/81	May 2/81
Township of Dunwich in the County of Elgin, Lot 8, Concession VII.....		260/81	May 16/81
Township of Rama in the County of Simcoe, formerly in the County of Ontario, Lot 19, Concession F..... (revoked by 486/81)		261/81	May 16/81
Township of Rama in the County of Simcoe, Lot 19, Concession F.....		262/81	May 16/81
Town of Wasaga Beach formerly in the Village of Wasaga Beach, in the County of Simcoe, Lot 2, Concession XV, Plan Number 815.....		263/81	May 16/81
Town of Wasaga Beach in the County of Simcoe, Plan Number 518942 and Plan Number 815.....		264/81	May 16/81
Township of Verulam in the County of Victoria, Lot 11, Concession IV, Plan Number RD60.....		351/81	June 13/81
Borough of York in The Municipality of Metropolitan Toronto, Parts of Lots 314 and 315, Plan Number 1813.....		356/81	June 13/81
Borough of York in The Municipality of Metropolitan Toronto, Parts of Lots 17 and 18, Plan Number 847.....		357/81	June 13/81
Township of Essa in the County of Simcoe, Part of the East Half of Lot 19, Concession IV, Plan Number 51R-478.....		391/81	June 27/81
amended.....		530/86	Sept. 20/86

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Township of Wainfleet in The Regional Municipality of Niagara, formerly in the County of Welland, Parts of Lots 19 and 20, Concession III, Plan Number 778A.....		392/81	June 27/81
Town of Fort Erie in The Regional Municipality of Niagara, formerly in the County of Welland, Part of Block F, Corporation Plan No. 24, now known as Plan 525.....		393/81	June 27/81
Township of Amaranth in the County of Dufferin, Lot 1, Concession IX.....		403/81	July 4/81
Township of Carden in the County of Victoria, Lot 2, Concession IV, Plan Number 57R-228.....		411/81	July 4/81
Town of Fort Erie in The Regional Municipality of Niagara, formerly in the Township of Bertie in the County of Welland, Lot 4, Cross Concession.....		450/81	July 18/81
City of Toronto in The Municipality of Metropolitan Toronto, Lot 1, Plan Number 128E.....		485/81	Aug. 8/81
Township of Rama in the County of Simcoe, formerly in the County of Ontario, Lot 19, Concession F.....		486/81	Aug. 8/81
City of Mississauga in The Regional Municipality of Peel, formerly in the Township of Toronto in the County of Peel, Lot 128, Plan Number 745.....		488/81	Aug. 8/81
Town of Wasaga Beach, formerly the Village of Wasaga Beach, in the County of Simcoe, Lot 5, Sixteenth Concession.....		528/81	Aug. 29/81
City of North York, formerly in the Borough of York, in The Municipality of Metropolitan Toronto, Plan Number 2056.....		542/81	Sept. 5/81
Town of East Gwillimbury in The Regional Municipality of York, Block E, Part I, Plan Number 402..... (revoked by 585/81)		577/81	Sept. 12/81
Town of East Gwillimbury in The Regional Municipality of York, Block E, Part I, Plan Number 402.....		585/81	Sept. 12/81
Town of Tay in the County of Simcoe, Lot 13, Plan Number 87 designated as Part 14, Plan Number 51R-1278.....		612/81	Oct. 3/81

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City of Orillia, formerly in the Township of South Orillia, in the County of Simcoe, Lot 5, Concession IV, Parts 1, 2, 3 and 4 Plan Number 51R-1130.....		618/81	Oct. 10/81
Geographic Township of Casgrain in the Territorial District of Cochrane, Lot 25, Concession VII.....		632/81	Oct. 17/81
Township of Rama in the County of Simcoe, Lot 5, Concession L.....		674/81	Oct. 24/81
Township of Nottawasaga in the County of Simcoe, Lot 32, Concession IV and V.....		676/81	Oct. 31/81
Town of Markham in The Regional Municipality of York, formerly in the Township of Markham in the County of York, Parcel 6-1, Section MA-2..... (revoked by 861/81)		677/81	Oct. 31/81
City of Toronto and partly in the Borough of York, formerly in the Township of York, Plan No. 1885.....		714/81	Nov. 7/81
Town of Fort Erie in The Regional Municipality of Niagara, formerly in the Township of Bertie in the County of Welland, Lot 2, Concession II.....		780/81	Dec. 5/81
Township of Tay in the County of Simcoe, Lot 14, Plan Number 87, Part 5, Plan Number 51R-1278.....		782/81	Dec. 5/81
Township of Mariposa in the County of Victoria, lots 7 and 8, Concession A, Part 54, Plan Number R.D. 187 and Lot 98, Plan Number 553.....		783/81	Dec. 5/81
Town of Wasaga Beach in the County of Simcoe, Lot 26, Plan Number 1576.....		797/81	Dec. 12/81
Town of Wasaga Beach, formerly in the Village of Wasaga Beach, in the County of Simcoe, part of Lot 6, Concession XVI, Plan Number 51R-553.....		840/81	Jan. 2/82
Town of Markham in The Regional Municipality of York, formerly in the Township of Markham in the County of York, Parcel 6-7 for Section MA-2.....		861/81	Jan. 9/82
Township of Lindsay in the County of Bruce, Lot 15, Concession VIII, Plan Number R-174.....		869/81	Jan. 16/82

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Township of Emily in the County of Victoria, Lot 13, Concession I, Plan Number RD-44.....		6/82	Jan. 30/82
Township of Tay in the County of Simcoe, part of Lot 112, Concession II, Plan Number 51R-1231.....		51/82	Feb. 20/82
Geographic Township of Monteith in the Territorial District of Parry Sound, part of Lot 31, Concession VIII, Plan Number PSR 1700.....		64/82	Feb. 20/82
Geographic Township of Monteith in the Territorial District of Parry Sound, part of Lot 31, Concession VIII, Plan Number PSR 1700.....		65/82	Feb. 20/82
Township of Tay in the County of Simcoe, part of Lot 13, Plan Number 51R-1278.....		80/82	Mar. 6/82
Township of Cardiff in the Provisional County of Haliburton, part of Lot 24, Concession VI.....		81/82	Mar. 6/82
Township of Bedford in the County of Frontenac, part of Lot 31, Concession VII.....		87/82	Mar. 6/82
City of North York in The Municipality of Metropolitan Toronto, part of Lot 64, Plan Number 7611.....		112/82	Mar. 13/82
City of North York in The Municipality of Metropolitan Toronto, Lot 65, Plan Number 7611.....		113/82	Mar. 13/82
Township of Uxbridge in The Regional Municipality of Durham in the County of Ontario, part of Lot 14, Concession VII, Plan Number 414.....		143/82	Mar. 27/82
Town of Wasaga Beach in the County of Simcoe, Lot 43, Plan Number 1700.....		163/82	Apr. 3/82
Township of Tay in the County of Simcoe, Lot 83, Concession 1, Plan Number 51R-10463..... (revoked by 453/82)		164/82	Apr. 3/82
Township of Scugog in The Regional Municipality of Durham, Lot 5, Concession X, Plan Number 40R-4747.....		175/82	Apr. 10/82
Township of Tay in the County of Simcoe, lots 13 and 14, Plan Number 51R-1278.....		192/82	Apr. 17/82

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Township of Georgina in The Regional Municipality of York, Lot 11, Concession III, Plan Number 86766B.....		193/82	Apr. 17/82
City of Mississauga in The Regional Municipality of Peel, Lot 162, Plan Number 774.....		280/82	May 15/82
City of Mississauga in The Regional Municipality of Peel, Lot 5, Concession I, Plan Number 43R-9820.....		292/82	May 22/82
Town of Wasaga Beach, County of Simcoe, Lot 6, Concession XVI, Plan Number RD469.....		301/82	May 22/82
Township of Smith in the County of Peterborough, Lot 27, Concession XIV, Plan Number 45R-4201.....		316/82	May 29/82
Town of Parry Sound, Territorial District of Parry Sound, Lots 114 and 115 on Westside of Highview Street, Plan Number 135.....		332/82	June 5/82
Township of Mariposa, County of Victoria, Lot 40, Plan Number 553.....		371/82	June 19/82
Township of Southwold, County of Elgin, Lot 45, Plan Number D-911.....		372/82	June 19/82
Township of Mariposa, County of Victoria, Part 19 on Reference Plan, Lot 40, Plan Number 553.....		381/82	June 19/82
revoked.....		435/82	July 10/82
Township of Essa in the County of Simcoe, Lot 19 in Concession IV, Plan Number 478.....		402/82	June 26/82
Town of Wasaga Beach, formerly in the Township of Sunnidale, in the County of Simcoe, Lot 5, Concession XV, Plan Number 51R-1316.....		420/82	July 3/82
Township of Adelaide, County of Middlesex, Concession III, Lot 19, Plan Number 295.....		421/82	July 3/82
Township of Adelaide, County of Middlesex, Concession III, Lot 20, Plan Number 295.....		422/82	July 3/82
Township of Normandy, County of Grey, Lot 30, Concession XIII.....		427/82	July 3/82

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Township of Beaucage in the Territorial District of Nipissing, Lot 12, Concession I, Plan Number P-2259.....		446/82	July 17/82
Township of Lindsay, County of Bruce, Lot 15, Concession VIII, Plan Number R-174.....		452/82	July 17/82
Township of Tay, County of Simcoe, Lot 83, Concession I, Plan Number 51R-10463.....		453/82	July 17/82
Township of Leamington, County of Essex, Lot 10, Plan Number 198.....		461/82	July 24/82
Village of Elora, County of Wellington Wellington South (No.61), Plan Number 181.....		481/82	July 31/82
Township of London, County of Middlesex, Concession XI.....		493/82	Aug. 7/82
Township of Matchedash, County of Simcoe, Lot 20, Concession VIII.....		510/82	Aug. 14/82
Village of Elora, County of Wellington, Wellington South (No.61) as Number 181, Plan Number WGR-14.....		511/82	Aug. 14/82
Township of Himsworth South, District of Parry Sound, Lot 11, Concession XVII, Number PSR, Plan 290.....		512/82	Aug. 14/82
Township of Cardiff, Provisional County of Haliburton, Lot 24, Concession VI.....		578/82	Sept. 11/82
Town of Halton Hills, The Regional Municipality of Halton (formerly the Town of Acton in the County of Halton) Lot 40, Plan Number 772.....		603/82	Sept. 25/82
Township of West Lincoln, The Regional Municipality of Niagara (Formerly in the Township of Gainsborough, County of Lincoln) Lot 19, Concession IV.....		605/82	Sept. 25/82
Township of Cardiff, Provisional County of Haliburton, Lot 24, Concession VI.....		666/82	Oct. 23/82
Township of Innisfil, County of Simcoe, Lot 30, Concession XIII, Plan Number 660..... (revoked by 4/83)		675/82	Oct. 23/82
Township of Adjala in the County of Simcoe, Plan Number RD-622.....		691/82	Oct. 30/82

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Township of Innisfil in the County of Simcoe, Lot 26, Concession XI.....		699/82	Nov. 6/82
Township of Bayham in the County of Elgin.....		735/82	Nov. 20/82
Township of Essa in the County of Simcoe, Lot 19, Concession IV.....		756/82	Dec. 4/82
Township of Tudhope in the Territorial District of Timiskaming, Lot 11, Concession 1, Plan Number 54R-1327.....		759/82	Dec. 4/82
Township of Essa in the County of Simcoe, Lot 19, Concession IV, Plan Number 51R-11213.....		763/82	Dec. 4/82
Township of Lindsay in the County of Bruce, Lot 15, Concession VIII, Plan Number R-174.....		764/82	Dec. 4/82
Township of Cramahe in the County of Northumberland, Lots 14, 15 and 16 in Concession IV.....		788/82	Dec. 4/82
Township of Brant in the County of Bruce, Lot 30, Concession II.....		811/82	Jan. 1/83
Township of Innisfil in the County of Simcoe, Part of Broken, Lot 30, Concession XIII and Part of Lot 39 and Block G, Plan Number 660.....		4/83	Jan. 22/83
Town of Wasaga Beach (formerly in the township of Sunnidale) in the County Simcoe, Lot 6, Concession XVI, Plan Number 534.....		18/83	Jan. 29/83
Town of Rayside - Balfour in The Regional Municipality of Sudbury, Lot 1, Concession III, Plan Number 53R-3792.....		52/83	Feb. 5/83
Town of Lindsay, formerly in the Township of Ops, in the County of Victoria, east half of Lot 20 in Concession IV, Plan Number 97956; Lot 20, Concession IV, Plan Number 13415.....		59/83	Feb. 5/83
Town of Onaping Falls formerly in the Township of Dowling, in The Regional Municipality of Sudbury, Lot 10, Concession IV.....		89/83	Feb. 26/83
Town of Wasaga Beach, formerly in the Township of Nottawasaga, County of Simcoe, Lot 8, Plan Number 862.....		105/83	Mar. 12/83

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Town of Fort Erie in The Regional Municipality of Niagara, parts of Lots 13 and 14, Plan Number 328 for the Town of Fort Erie and Plan Number 2371 for the former Township of Bertie, now known as Plan Number 992.....		109/83	Mar. 12/83
City of Cornwall in the United Counties of Stormont, Dundas and Glengarry, Lot 7, Concession 1.....		110/83	Mar. 19/83
Township of Wolford in the United Counties of Leeds and Grenville, Lot 10, Concession II.....		111/83	Mar. 19/83
Township of Orillia in the County of Simcoe, Lot 2 Concession 1, Plan Number 478.....		115/83	Mar. 19/83
Township of Dack, in the Territorial District of Timiskaming, Parcel 17567, South Section Timiskaming.....		143/83	Mar. 26/83
Township of Tay in the County of Simcoe, part of Lot 13 Plan Number 51R-1278.....		181/83	Apr. 16/83
Town of Wasaga Beach in the County of Simcoe, Lot 40 Plan Number 1700.....		182/83	Apr. 16/83
Township of Croft in the Territorial District of Parry Sound, Lots 21 and 22, Concession III, Plan Number P5R 1904.....		207/83	Apr. 23/83
City of Mississauga in The Regional Municipality of Peel, formerly in the Township of Toronto in the County of Peel, part of Lot 125 Plan Number 774.....		216/83	Apr. 30/83
Township of Hagerman in the Territorial District of Parry Sound, parts of Lots 28, 29 and 30 in Concession VII Plan Number 260.....		217/83	Apr. 30/83
Town of Fort Erie in The Regional Municipality of Niagara, formerly in the Village of Crystal Beach in the County of Welland, part of Block P Plan Number 544.....		243/83	May 14/83

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Township of Evanturel in the Territorial District of Timiskaming, part of the south half of Lot 7 in Concession I.....		249/83	May 14/83
Townships of Belmont and Methuen, formerly in the Township of Methuen, in the County of Peterborough, parts of Lot 30 in Concession IX.....		315/83	June 11/83
Township of Mariposa in the County of Victoria, part of Lot 1 in Concession C, part 6 Number R.D. 200 Lot 11 Number 547.....		327/83	June 18/83
Township of Howard in the County of Kent, half Lot 93, Number 219087.....		329/83	June 18/83
Township of Mariposa in the County of Victoria part of Lot 8 in Concession A Number R.D. 187.....		352/83	June 25/83
Town of Goderich in the County of Huron West half of Lot 376 Plan Number 457.....		357/83	July 2/83
Town of Huntsville in the District Municipality of Muskoka, formerly in the Township of Chaffey in the District of Muskoka, Part of Lot 11, Concession III Township of Chaffey Part 18, Plan Number BR-1048.....		420/83	July 16/83
Town of Aylmer in the County of Elgin Lots 1, 2, 3, 4 and 5 of Plan 301.....		421/83	July 16/83
Town of Rayside-Balfour in The Regional Municipality of Sudbury, part of Lot 1 in Concession III, Plan Number 53R-3792.....		467/83	Aug. 6/83
Town of Rayside-Balfour in The Regional Municipality of Sudbury, part of Lot 1 in Concession III, Plan Number 53R-3792.....		468/83	Aug. 6/83
Township of Fenelon in the County of Victoria part of Lot 30 in Concession VII.....		472/83	Aug. 13/83
Township of Georgina, in The Regional Municipality of York, formerly in the County of York, part of Lot Numbers 22 and 23 in Concession 1.....		518/83	Aug. 27/83

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City of Mississauga in The Regional Municipality of Peel (formerly in the Township of Toronto, in the County of Peel) part of Block B, Plan Number 680.....		519/83	Aug. 27/83
(An asterisk (*) denotes that the Regulation has been amended prior to January 1, 1981 but the amendments are not shown.) (- for amendments to the end of 1980 - see Table of Regulations published in The Ontario Gazette dated March 14, 1981 or in the Statutes of Ontario, 1980.)			
Restricted Areas - (now zoning)			
County of Brant,			
Township of Brantford.....		*295/74	
revoked.....		44/87	Feb. 14/87
Township of Brantford (revoking Reg.).....		695/82	Nov. 6/82
County of Bruce,			
Township of Brant (revoking Reg.).....		747/82	Nov. 27/82
Township of Carrick.....		*274/74	
amended.....		358/83	July 2/83
Township of Huron (revoking Reg.).....		746/82	Nov. 27/82
Town of Kincardine (revoking Reg.).....		748/82	Nov. 27/82
County of Elgin,			
Township of Bayham (*284/74)			
amended.....		738/81	Nov. 21/81
revoked.....		799/82	Dec. 25/82
Township of Malahide (revoking Reg.)...		588/82	Sept. 18/82
County of Essex,			
Township of Colchester South (revoking Reg.).....		176/82	Apr. 10/82
Township of Mersea (revoking Reg.).....		632/82	Oct. 9/82
Township of Tilbury North.....		*674 of R.R.O. 1970	
amended.....		701/83	Nov. 19/83
County of Frontenac,			
Township of Bedford (revoking Reg.)....		159/81	Apr. 4/81
County of Grey,			
Township of Glenelg.....		*294/74	
County of Haliburton,			
Township of Cardiff (revoking Reg.)....		604/82	Sept. 25/82
County of Hastings,			
Township of Sidney (revoking Reg.).....		305/82	May 22/82

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Township of Thurlow.....		*318/74	
amended.....		218/83	Apr. 30/83
amended.....		593/84	Oct. 6/84
County of Huron,			
Township of East Wawanosh			
(revoking Reg.).....		238/82	May 1/82
Township of Hay (revoking Reg.).....		241/82	May 1/82
Township of Morris (revoking Reg.).....		239/82	May 1/82
Township of Stephen.....		*289/74	
amended.....		410/81	July 4/81
Township of Turnberry			
(revoking Reg.).....		240/82	May 1/82
Township of Usborne.....		*287/74	
County of Kent,			
Township of Camden (revoking Reg.).....		214/82	Apr. 24/82
Township of Chatham (*10/73)			
amended.....		752/81	Nov. 28/81
amended.....		809/81	Dec. 19/81
amended.....		587/82	Sept. 18/82
revoked.....		642/82	Oct. 16/82
Township of Harwich.....		69/81	Mar. 7/81
Township of Raleigh (revoking Reg.)....		68/81	Mar. 7/81
Township of Raleigh.....		70/81	Mar. 7/81
County of Lambton,			
Township of Bosanquet			
(revoking Reg.).....		100/82	Mar. 6/82
Township of Moore.....		250/83	May 14/83
(revoking Reg.).....		211/85	June 1/85
Township of Warwick.....		*281/74	
amended.....		851/81	Jan. 9/82
County of Lanark,			
Township of Drummond			
(revoking Reg.).....		531/81	Aug. 29/81
County of Leeds and Grenville,			
Township of Front of Leeds and			
Lansdowne (revoking Reg.).....		547/82	Aug. 21/82
Township of Oxford (on Rideau).....		372/77	
amended.....		22/81	Feb. 14/81
revoked.....		708/86	Dec. 20/86
Township of South Elmsley.....		*310/74	
Township of South Gower.....		371/77	

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County of Northumberland,			
Township of Murray (revoking Reg.).....		862/81	Jan. 16/82
County of Ontario (now The Regional Municipality of Durham),			
Township of Pickering (now the Town of Pickering).....		*102/72	
amended.....		208/81	Apr. 18/81
amended.....		209/81	Apr. 25/81
amended.....		833/81	Jan. 2/82
amended.....		852/81	Jan. 9/82
amended.....		165/82	Apr. 3/82
amended.....		492/82	Aug. 7/82
amended.....		64/83	Feb. 12/83
amended.....		93/83	Feb. 26/83
amended.....		194/83	Apr. 16/83
amended.....		283/83	May 28/83
amended.....		291/83	May 28/83
amended.....		310/83	June 4/83
amended.....		311/83	June 4/83
amended.....		469/83	Aug. 6/83
amended.....		114/84	Mar. 10/84
amended.....		608/84	Oct. 13/84
amended.....		66/85	Feb. 23/85
amended.....		67/85	Feb. 23/85
amended.....		202/85	May 25/85
amended.....		372/85	July 27/85
amended.....		390/85	Aug. 17/85
amended.....		393/85	Aug. 17/85
amended.....		468/85	Oct. 5/85
amended.....		522/85	Nov. 2/85
amended.....		34/86	Feb. 15/86
amended.....		74/86	Mar. 1/86
amended.....		101/86	Mar. 15/86
amended.....		110/86	Mar. 22/86
amended.....		235/86	May 17/86
amended.....		236/86	May 17/86
amended.....		262/86	May 24/86
amended.....		403/86	July 26/86
amended.....		404/86	July 26/86
amended.....		469/86	Aug. 23/86
amended.....		535/86	Sept. 20/86
amended.....		612/86	Oct. 25/86
amended.....		732/86	Jan. 3/87
amended.....		129/87	Mar. 28/87
amended.....		468/87	Aug. 22/87
amended.....		483/87	Sept. 5/87
amended.....		538/87	Oct. 10/87
amended.....		546/87	Oct. 17/87
Township of Uxbridge.....		*103/72	
amended.....		538/81	Aug. 29/81
amended.....		426/82	July 3/82
amended.....		584/83	Oct. 1/83
revoked.....		506/84	Aug. 25/84
County of Oxford,			
Township of Tillsonburg.....		*347/74	
County of Perth,			
Township of Elma (revoking Reg.).....		182/82	Apr. 10/82

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Township of Wallace (revoking Reg.)....		183/82	Apr. 10/82
County of Peterborough,			
Township of North Monaghan.....		377/77	
Township of Smith.....		720/79	
amended.....		319/85	June 29/85
revoked.....		590/85	Dec. 7/85
Township of Smith.....		879/79	
amended.....		320/85	June 29/85
revoked.....		589/85	Dec. 7/85
County of Prescott and Russell,			
Township of West Hawkesbury.....		*321/74	
revoked		721/84	Nov. 24/84
County of Prince Edward,			
Township of North Marysburgh			
(revoking Reg.).....		812/81	Dec. 19/81
Township of Sophiasburgh			
(revoking Reg.).....		696/82	Nov. 6/82
County of Renfrew,			
Township of Admaston.....		*316/74	
revoked.....		731/86	Dec. 27/86
Township of Alice and Fraser.....		*314/74	
revoked.....		730/86	Dec. 27/86
Township of Horton.....		*317/74	
revoked.....		520/84	Sept. 1/84
Township of McNab.....		*311/74	
amended.....		437/81	July 11/81
revoked.....		728/86	Dec. 27/86
Township of Pembroke.....		*315/74	
revoked.....		519/84	Sept. 1/84
Township of Rolph, Buchanan, Wylie			
and McKay.....		*312/74	
revoked.....		729/86	Dec. 27/86
Township of Stafford (revoking Reg.)...		697/82	Nov. 6/82
County of Simcoe,			
Township of Essa.....		*299/74	
Township of Innisfil.....		1034/80	
amended.....		20/82	Feb. 6/82
amended.....		5/84	Jan. 21/84
revoked.....		425/85	Sept. 14/85
Township of Innisfil.....		675/81	Oct. 24/81
amended.....		438/82	July 10/82
amended.....		621/82	Oct. 9/82
amended.....		719/82	Nov. 13/82
amended.....		284/83	May 28/83

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amended		319/83	June 11/83
amended		498/83	Aug. 20/83
amended		786/83	Jan. 7/84
amended		39/84	Feb. 11/84
amended		76/84	Feb. 25/84
amended		673/84	Nov. 10/84
amended		740/84	Dec. 8/84
amended		25/85	Feb. 9/85
amended		340/85	July 6/85
amended		377/85	Aug. 3/85
revoked		415/85	Aug. 31/85
Township of Nottawasaga		*675 of R.R.O. 1970	
amended		185/81	Apr. 11/81
amended		237/81	May 2/81
amended		366/81	June 20/81
amended		367/81	June 20/81
amended		474/81	Aug. 1/81
amended		518/81	Aug. 22/81
amended		545/81	Sept. 5/81
amended		624/81	Oct. 10/81
amended		684/81	Oct. 31/81
amended		878/81	Jan. 16/82
amended		56/82	Feb. 20/82
amended		101/82	Mar. 6/82
amended		142/82	Mar. 27/82
amended		373/82	June 19/82
amended		378/82	June 19/82
amended		395/82	June 26/82
amended		462/82	July 24/82
amended		509/82	Aug. 14/82
amended		557/82	Aug. 28/82
amended		585/82	Sept. 18/82
amended		586/82	Sept. 18/82
amended		631/82	Oct. 9/82
amended		662/82	Oct. 23/82
amended		703/82	Nov. 6/82
amended		65/83	Feb. 12/83
amended		117/83	Mar. 19/83
amended		262/83	May 21/83
amended		312/83	June 4/83
amended		313/83	June 4/83
amended		354/83	July 2/83
amended		390/83	July 9/83
amended		391/83	July 9/83
amended		449/83	July 30/83
amended		534/83	Sept. 10/83
amended		535/83	Sept. 10/83
amended		536/83	Sept. 10/83
amended		537/83	Sept. 10/83
amended		574/83	Sept. 24/83
amended		694/83	Nov. 19/83
amended		111/84	Mar. 10/84
amended		118/84	Mar. 10/84
amended		119/84	Mar. 10/84
amended		213/84	Apr. 28/84
amended		330/84	June 9/84
amended		336/84	June 9/84
amended		483/84	Aug. 18/84
amended		484/84	Aug. 18/84
amended		485/84	Aug. 18/84

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amended		505/84	Aug. 25/84
amended		609/84	Oct. 13/84
amended		646/84	Oct. 27/84
amended		672/84	Nov. 10/84
amended		727/84	Nov. 24/84
amended		793/84	Dec. 29/84
amended		800/84	Jan. 5/85
amended		16/85	Feb. 9/85
amended		141/85	Apr. 20/85
amended		175/85	May 4/85
amended		195/85	May 18/85
amended		200/85	May 25/85
amended		244/85	June 8/85
amended		368/85	July 20/85
amended		384/85	Aug. 10/85
amended		385/85	Aug. 10/85
amended		392/85	Aug. 17/85
amended		455/85	Sept. 28/85
amended		456/85	Sept. 28/85
amended		457/85	Sept. 28/85
amended		485/85	Oct. 19/85
amended		486/85	Oct. 19/85
amended		587/85	Nov. 30/85
amended		5/86	Jan. 25/86
amended		107/86	Mar. 22/86
amended		185/86	Apr. 19/86
amended		186/86	Apr. 19/86
amended		230/86	May 17/86
amended		312/86	June 14/86
amended		313/86	June 14/86
amended		346/86	June 28/86
amended		347/86	June 28/86
amended		348/86	June 28/86
amended		349/86	June 28/86
amended		378/86	July 12/86
amended		405/86	July 26/86
amended		415/86	Aug. 2/86
amended		471/86	Aug. 23/86
amended		515/86	Sept. 20/86
amended		529/86	Sept. 20/86
amended		560/86	Oct. 11/86
amended		561/86	Oct. 11/86
amended		593/86	Oct. 18/86
amended		626/86	Nov. 15/86
amended		627/86	Nov. 15/86
amended		653/86	Nov. 22/86
amended		678/86	Dec. 13/86
amended		679/86	Dec. 13/86
amended		43/87	Feb. 14/87
amended		113/87	Mar. 21/87
amended		125/87	Mar. 28/87
amended		145/87	Apr. 11/87
amended		231/87	May 16/87
amended		290/87	June 13/87
amended		310/87	June 27/87
amended		332/87	June 27/87
amended		350/87	July 4/87
amended		390/87	July 18/87
amended		441/87	Aug. 15/87
amended		473/87	Aug. 29/87
amended		482/87	Sept. 5/87

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amended		485/87	Sept. 5/87
amended		503/87	Sept. 12/87
amended		507/87	Sept. 19/87
amended		522/87	Sept. 19/87
amended		539/87	Oct. 10/87
amended		555/87	Oct. 17/87
amended		556/87	Oct. 17/87
amended		557/87	Oct. 17/87
revoked		609/87	Dec. 5/87
Township of Nottawasaga		302/82	May 22/82
Township of Tay (revoking Reg.)		148/81	Apr. 4/81
Township of Tecumseth		*300/74	
amended		616/82	Oct. 2/82
revoked		314/84	June 2/84
Township of Tiny		190/81	Apr. 11/81
amended		728/84	Dec. 1/84
revoked		126/85	Apr. 13/85
Township of Vespra		*62/73	
amended		202/81	Apr. 18/81
amended		274/81	May 16/81
amended		307/81	May 23/81
amended		491/81	Aug. 8/81
amended		492/81	Aug. 8/81
amended		519/81	Aug. 22/81
amended		374/82	June 19/82
amended		375/82	June 19/82
amended		765/82	Dec. 4/82
amended		5/83	Jan. 22/83
amended		761/83	Dec. 17/83
amended		771/83	Dec. 24/83
amended		528/84	Sept. 1/84
amended		770/84	Dec. 22/84
amended		771/84	Dec. 22/84
amended		125/85	Apr. 13/85
amended		196/85	May 18/85
amended		387/85	Aug. 10/85
amended		643/85	Dec. 28/85
amended		106/86	Mar. 22/86
amended		357/86	July 5/86
amended		470/86	Aug. 23/86
amended		733/86	Jan. 3/87
County of Victoria, Township of Ops (revoking Reg.)		715/81	Nov. 7/81
District of Algoma, Geographic townships of Cobden, Striker, Scarfe and Mack		409/82	June 26/82
amended		332/83	June 18/83
amended		376/85	Aug. 3/85
amended		389/87	July 18/87
amended		462/87	Aug. 22/87
Geographic townships of Lewis, Long, Shedden, Spragge and Striker		*662 of R.R.O. 1970	
amended		370/82	June 12/82

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amended		409/82	June 26/82
revoked		299/84	May 26/84
Geographic Township of West		182/81	Apr. 11/81
amended		308/81	May 30/81
amended		395/85	Aug. 17/85
Sault Ste. Marie North Planning Area		279/80	
amended		161/81	Apr. 4/81
amended		281/81	May 23/81
amended		380/81	June 20/81
amended		497/81	Aug. 15/81
amended		716/81	Nov. 7/81
amended		863/81	Jan. 16/82
amended		2/82	Jan. 23/82
amended		63/82	Feb. 20/82
amended		159/82	Apr. 3/82
amended		266/82	May 8/82
amended		333/82	June 5/82
amended		514/82	Aug. 14/82
amended		583/82	Sept. 11/82
amended		118/83	Mar. 19/83
amended		139/83	Mar. 26/83
amended		204/83	Apr. 23/83
amended		529/83	Sept. 3/83
amended		548/83	Sept. 10/83
amended		593/83	Oct. 15/83
amended		50/84	Feb. 18/84
amended		51/84	Feb. 18/84
amended		92/84	Mar. 3/84
amended		268/84	May 12/84
amended		269/84	May 12/84
amended		537/84	Sept. 8/84
amended		762/84	Dec. 15/84
amended		416/85	Aug. 31/85
amended		659/85	Jan. 4/86
amended		303/86	June 7/86
amended		445/86	Aug. 16/86
amended		478/86	Aug. 30/86
amended		666/86	Nov. 29/86
amended		302/87	June 20/87
amended		463/87	Aug. 22/87
amended		559/87	Oct. 17/87
District of Cochrane, Town of Kapuskasing		*669 of R.R.O. 1970	
revoked		469/84	Aug. 11/84
Town of Kapuskasing		172/75	
revoked		477/84	Aug. 18/84
Township of Glackmeyer		*271/74	
Geographic townships of Casgrain, Hanlan, Kendall, Lowther and Way		*493/78	
amended		63/81	Feb. 28/81
amended		486/82	July 31/82
amended		230/83	May 7/83
amended		326/83	June 18/83
amended		281/84	May 19/84
amended		337/84	June 16/84

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amended		631/84	Oct. 20/84
amended		741/84	Dec. 8/84
amended		78/85	Mar. 2/85
amended		91/85	Mar. 9/85
amended		162/85	Apr. 20/85
amended		245/85	June 8/85
amended		479/85	Oct. 12/85
amended		667/85	Jan. 4/86
amended		700/85	Jan. 18/86
amended		181/86	Apr. 19/86
Geographic townships of O'Brien, Owen and Teetzel		423/78	
amended		276/86	May 31/86
Sunday Lake Area and Lower Detour Lake Area		280/81	May 23/81
District of Kenora, Geographic Township of Baird (revoked by 85/84)		12/78	
Geographic Township of Baird		162/82	Apr. 3/82
Geographic townships of Brownridge, Ewart, Glass, Kirkup and Pelican		482/71	
Geographic Township of Forgie		798/81	Dec. 12/81
Geographic Township of Pellatt		783/82	Dec. 18/82
Geographic Township of Pettypiece		177/80	
Geographic Township of Van Horne		343/82	June 12/82
revoked		110/84	Mar. 10/84
Geographic Township of Wainwright		797/79	
Geographic Township of Wainwright		326/81	May 30/81
Territorial District of Kenora (Part of Summer Resort Location L.K. 324 - Parcel 15400 - District of Kenora Freehold)		327/81	May 30/81
Territorial District of Kenora		718/82	Nov. 13/82
amended		470/84	Aug. 11/84
District of Manitoulin, Geographic townships of Campbell,			
Dawson, Mills and Robinson (*153/74)			
amended		144/81	Mar. 28/81
amended		158/81	Apr. 4/81
amended		435/81	July 11/81
amended (revoked by 672/81)		530/81	Aug. 29/81

	R.R.O. 1980	O.Reg.	Date of Gazette
District of Manitoulin,			
Geographic townships of Campbell,			
Dawson, Mills and Robinson.....		672/81	Oct. 24/81
amended.....		206/82	Apr. 24/82
amended.....		267/82	May 8/82
amended.....		369/82	June 12/82
amended.....		444/82	July 17/82
amended.....		610/82	Sept. 25/82
amended.....		205/83	Apr. 23/83
amended.....		206/83	Apr. 23/83
amended.....		652/83	Oct. 29/83
amended.....		692/83	Nov. 12/83
amended.....		717/83	Dec. 3/83
amended.....		14/84	Jan. 28/84
amended.....		562/84	Sept. 15/84
amended.....		99/85	Mar. 16/85
amended.....		183/85	May 4/85
amended.....		423/85	Sept. 7/85
amended.....		591/85	Dec. 7/85
amended.....		109/86	Mar. 22/86
amended.....		307/86	June 14/86
amended.....		536/86	Sept. 20/86
amended.....		537/86	Sept. 20/86
amended.....		615/86	Nov. 1/86
amended.....		616/86	Nov. 1/86
amended.....		701/86	Dec. 20/86
amended.....		66/87	Feb. 28/87
amended.....		401/87	July 25/87
amended.....		412/87	Aug. 1/87
amended.....		437/87	Aug. 8/87
amended.....		474/87	Aug. 29/87
amended.....		484/87	Sept. 5/87
amended.....		547/87	Oct. 17/87
amended.....		587/87	Nov. 14/87
amended.....		663/87	Dec. 19/87
amended.....		715/87	Jan. 9/88
District of Nipissing,			
Geographic townships of Askin,			
Gladman, Joan and Macpherson.....		486/71	
Geographic Township of Phyllis.....		811/81	Dec. 19/81
Geographic Township of Strathy.....		*666 of R.R.O. 1970	
revoked.....		813/84	Jan. 5/85
part of the District.....		*540/74	
(see Schedule to the Regulation)			
amended.....		35/81	Feb. 14/81
amended.....		75/81	Mar. 7/81
amended.....		397/81	June 27/81
amended.....		457/81	July 25/81
amended.....		562/81	Sept. 12/81
amended.....		563/81	Sept. 12/81
amended.....		564/81	Sept. 12/81
amended.....		673/81	Oct. 24/81
amended.....		740/81	Nov. 21/81
amended.....		745/81	Nov. 28/81
amended.....		758/81	Nov. 28/81
amended.....		830/81	Dec. 26/81
amended.....		831/81	Dec. 26/81

	R.R.O. 1980	O.Reg.	Date of Gazette
amended		57/82	Feb. 20/82
amended		149/82	Apr. 3/82
amended		209/82	Apr. 24/82
amended		210/82	Apr. 24/82
amended		334/82	June 5/82
amended		361/82	June 12/82
amended		383/82	June 19/82
amended		463/82	July 24/82
amended		464/82	July 24/82
amended		485/82	July 31/82
amended		500/82	Aug. 7/82
amended		581/82	Sept. 11/82
amended		582/82	Sept. 11/82
amended		678/82	Oct. 23/82
amended		702/82	Nov. 6/82
amended		708/82	Nov. 13/82
amended		777/82	Dec. 11/82
amended		846/82	Jan. 8/83
amended		337/83	June 25/83
amended		680/83	Nov. 12/83
amended		712/83	Nov. 26/83
amended		775/83	Dec. 31/83
amended		776/83	Dec. 31/83
amended		777/83	Dec. 31/83
amended		1/84	Jan. 21/84
amended		224/84	Apr. 28/84
amended		331/84	June 9/84
amended		400/84	July 7/84
amended		436/84	July 21/84
amended		437/84	July 21/84
amended		553/84	Sept. 8/84
amended		594/84	Oct. 6/84
amended		595/84	Oct. 6/84
amended		596/84	Oct. 6/84
amended		597/84	Oct. 6/84
amended		742/84	Dec. 8/84
amended		744/84	Dec. 8/84
amended		757/84	Dec. 15/84
amended		774/84	Dec. 22/84
amended		798/84	Jan. 5/85
(revoked by 40/85)			
Township of Temagami		*667 of R.R.O. 1970	
amended		561/81	Sept. 12/81
amended		454/82	July 17/82
amended		535/82	Aug. 21/82
amended		17/83	Jan. 22/83
revoked		583/84	Sept. 29/84
District of Parry Sound,			
Geographic Township of Croft		153/80	
Geographic Township of Croft		1110/80	
Geographic Township of East Mills		1133/80	
Geographic Township of Ferguson		1109/80	
amended		396/81	June 27/81
Geographic Township of Ferguson (Plan M-478)		537/82	Aug. 21/82

	R.R.O. 1980	O.Reg.	Date of Gazette
Geographic Township of Ferguson (Plan M-512)		538/82	Aug. 21/82
amended		250/84	May 12/84
Geographic Townships of McKenzie and Patterson		*484/71	
amended		74/82	Feb. 27/82
amended		405/82	June 26/82
District of Rainy River, Geographic Township of Miscampbell		449/74	
amended		575/81	Sept. 12/81
amended		603/81	Sept. 19/81
amended		712/81	Nov. 7/81
Registered Plan No. SM-293 (south of the Geographic Township of Trottier)		483/71	
Township of Alberton		*268/74	
District of Sudbury, Geographic Townships of Emo and Strathearn		485/71	
Geographic Township of Ivanhoe		831/82	Jan. 8/83
Part of the District (*568/72)			
amended		1/81	Jan. 24/81
amended		14/81	Feb. 7/81
amended		384/81	June 27/81
amended		385/81	June 27/81
amended		477/81	Aug. 1/81
amended		487/81	Aug. 8/81
amended		509/81	Aug. 15/81
amended		532/81	Aug. 29/81
amended		543/81	Sept. 5/81
amended (revoked by 834/81)		572/81	Sept. 12/81
Territorial District of Sudbury		834/81	Jan. 2/82
amended		67/82	Feb. 20/82
amended		79/82	Mar. 6/82
amended		110/82	Mar. 13/82
amended		116/82	Mar. 20/82
amended		117/82	Mar. 20/82
amended		118/82	Mar. 20/82
amended		242/82	May 1/82
amended		243/82	May 1/82
amended		257/82	May 1/82
amended		450/82	July 17/82
amended		476/82	July 24/82
amended		501/82	Aug. 7/82
amended		563/82	Sept. 4/82
amended		584/82	Sept. 11/82
amended		611/82	Sept. 25/82
amended		700/82	Nov. 6/82
amended		701/82	Nov. 6/82
amended		53/83	Feb. 5/83
amended		183/83	Apr. 16/83
amended		208/83	Apr. 23/83
amended		261/83	May 21/83

	R.R.O. 1980	O.Reg.	Date of Gazette
amended		292/83	May 28/83
amended		293/83	May 28/83
amended		349/83	June 25/83
amended		473/83	Aug. 13/83
amended		488/83	Aug. 20/83
amended		547/83	Sept. 10/83
amended		564/83	Sept. 24/83
amended		577/83	Oct. 1/83
amended		585/83	Oct. 1/83
amended		586/83	Oct. 1/83
amended		714/83	Nov. 26/83
amended		94/84	Mar. 3/84
amended		99/84	Mar. 3/84
amended		766/84	Dec. 15/84
amended		767/84	Dec. 15/84
amended		768/84	Dec. 15/84
amended		41/85	Feb. 9/85
amended		75/85	Feb. 23/85
amended		76/85	Feb. 23/85
amended		77/85	Feb. 23/85
amended		123/85	Apr. 6/85
amended		187/85	May 11/85
amended		424/85	Sept. 7/85
amended		462/85	Sept. 28/85
amended		549/85	Nov. 16/85
amended		703/85	Jan. 18/86
amended		69/86	Mar. 1/86
amended		105/86	Mar. 15/86
amended		191/86	Apr. 26/86
amended		229/86	May 17/86
amended		394/86	July 12/86
amended		427/86	Aug. 16/86
amended		662/86	Nov. 22/86
amended		663/86	Nov. 22/86
amended		677/86	Dec. 13/86
amended		761/86	Jan. 17/87
amended		5/87	Jan. 31/87
amended		6/87	Jan. 31/87
amended		7/87	Jan. 31/87
amended		284/87	June 13/87
amended		285/87	June 13/87
amended		439/87	Aug. 8/87
amended		541/87	Oct. 10/87
amended		664/87	Dec. 19/87
amended		665/87	Dec. 19/87
amended		666/87	Dec. 19/87
Township of Baldwin		*270/74	
revoked		602/86	Oct. 25/86
District of Thunder Bay, Geographic townships of Ashmore, Errington, Fulford and McQuesten		364/81	June 20/81
amended		441/83	July 23/83
amended		696/84	Nov. 17/84
amended		574/87	Oct. 31/87
Geographic townships of Gorham and Ware		*109/75	
amended		288/82	May 15/82
amended		664/82	Oct. 23/82

	R.R.O. 1980	O.Reg.	Date of Gazette
amended		690/82	Oct. 30/82
amended		796/82	Dec. 18/82
amended		362/83	July 9/83
amended		576/83	Oct. 1/83
amended		6/84	Jan. 21/84
amended		84/84	Feb. 25/84
amended		167/84	Mar. 31/84
amended		228/84	Apr. 28/84
amended		456/84	Aug. 4/84
amended		502/84	Aug. 18/84
amended		541/84	Sept. 8/84
amended		589/84	Sept. 29/84
amended		590/84	Sept. 29/84
amended		607/84	Oct. 6/84
amended		623/84	Oct. 20/84
amended		644/84	Oct. 27/84
amended		645/84	Oct. 27/84
amended		745/84	Dec. 8/84
amended		758/84	Dec. 15/84
amended		759/84	Dec. 15/84
amended		760/84	Dec. 15/84
amended		373/85	July 27/85
amended		443/85	Sept. 21/85
amended		447/85	Sept. 21/85
amended		481/85	Oct. 12/85
amended		530/85	Nov. 9/85
amended		658/85	Jan. 4/86
amended		63/86	Feb. 22/86
amended		64/86	Feb. 22/86
amended (revoked by 413/86)		65/86	Feb. 22/86
Geographic Township of Lyon		897/79	
Geographic townships of Pearson and Scoble		*219/75	
amended		442/83	July 23/83
amended		545/83	Sept. 10/83
amended		566/84	Sept. 15/84
amended		35/86	Feb. 15/86
amended		402/86	July 19/86
amended		603/86	Oct. 25/86
amended		714/86	Dec. 27/86
amended		178/87	Apr. 18/87
amended		307/87	June 27/87
amended		622/87	Dec. 5/87
Geographic Township of Upsala		296/80	
Geographic Township of Upsala		64/81	Feb. 28/81
amended		533/81	Aug. 29/81
Savant Lake Townsite (Registered Part M-56)		131/80	
District of Timiskaming, Town of Charlton, the Township of Chamberlain and the geographic townships of Boston, Dack, Evanturel, Lebel, Marquis, Marter, McElroy, Otto and Pacaud		*671 of R.R.O. 1970	

	R.R.O. 1980	O.Reg.	Date of Gazette
amended		143/81	Mar. 28/81
amended		243/81	May 9/81
amended		355/81	June 13/81
amended		458/81	July 25/81
amended		490/81	Aug. 8/81
amended		527/81	Aug. 22/81
amended		539/81	Aug. 29/81
amended		172/82	Apr. 10/82
amended		208/82	Apr. 24/82
amended		403/82	June 26/82
amended		643/82	Oct. 16/82
amended		645/82	Oct. 16/82
amended		749/82	Nov. 27/82
amended		83/83	Feb. 19/83
amended		486/83	Aug. 20/83
amended		487/83	Aug. 20/83
amended		672/83	Nov. 5/83
amended		329/84	June 9/84
amended		438/84	July 21/84
amended		454/84	Aug. 4/84
amended		455/84	Aug. 4/84
amended		565/84	Sept. 15/84
amended		124/85	Apr. 6/85
revoked		370/85	July 20/85
Town of Charlton		*356/80	
Geographic Township of Haultain		467/80	
Municipality of Metropolitan Toronto, the Borough of Scarborough (now the City of Scarborough)		* 20/74	
amended		431/85	Sept. 14/85
Regional Municipality of Durham, Town of Ajax		* 18/74	
revoked		523/85	Nov. 2/85
Town of Pickering		* 19/74	
amended		779/81	Dec. 9/81
amended		394/82	June 26/82
amended		160/83	Apr. 9/83
amended		195/83	Apr. 16/83
Township of Uxbridge (formerly the Township of Scott in the County of Ontario)		*634/77	
Town of Whitby		*467/74	
Regional Municipality of Haldimand-Norfolk, townships of Delhi and Norfolk (formerly in the Township of Middleton)		*347/74	
Regional Municipality of Niagara, Township of West Lincoln (revoking Reg.)		165/81	Apr. 4/81
Regional Municipality of Ottawa-Carleton, Township of Cumberland		*323/74	
amended		152/81	Apr. 4/81
amended		606/84	Oct. 4/84

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Township of West Carleton (formerly in the Township of Fitzroy).....	670 of R.R.O. 1970		
Township of West Carleton (formerly in the Township of Fitzroy).....		*325/74	
revoked.....		720/84	Nov. 24/84
Regional Municipality of Waterloo, City of Cambridge (formerly in the Township of North Dumfries).....		535/79	
revoked.....		13/85	Feb. 2/85
Regional Municipality of York, Town of Markham.....		*104/72	
amended.....		125/81	Mar. 21/81
amended.....		207/81	Apr. 18/81
amended.....		349/81	June 13/81
amended.....		436/81	July 11/81
amended.....		444/81	July 18/81
amended.....		540/81	Sept. 5/81
amended.....		670/81	Oct. 24/81
amended.....		789/81	Dec. 12/81
amended.....		8/82	Jan. 30/82
amended.....		138/82	Mar. 27/82
amended.....		388/82	June 19/82
amended.....		663/82	Oct. 23/82
amended.....		770/82	Dec. 11/82
amended.....		850/82	Jan. 15/83
amended.....		737/83	Dec. 10/83
amended.....		747/83	Dec. 17/83
amended.....		57/84	Feb. 18/84
amended.....		540/84	Sept. 8/84
amended.....		563/85	Nov. 23/85
amended.....		416/86	Aug. 2/86
amended.....		451/86	Aug. 16/86
amended.....		575/86	Oct. 11/86
amended.....		333/87	June 27/87
Town of Markham.....		269/81	May 16/81
revoked.....		317/82	May 29/82
Town of Richmond Hill.....		268/81	May 16/81
Town of Whitchurch-Stouffville.....		*101/72	
amended.....		369/81	June 20/81
amended.....		182/86	Apr. 19/86
amended.....		294/86	June 7/86
revoked.....		612/87	Dec. 5/87
Rules of Procedure - Consent Applications.....	786		
amended.....		467/81	July 25/81
amended.....		28/82	Feb. 13/82
amended.....		439/82	July 10/82
(revoked by 406/83)			
- Minor Variance Applications.....	787		
amended.....		466/81	July 25/81
amended.....		554/82	Aug. 28/82
(revoked by 447/83)			

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Subdivision Control, County of Hastings - Plan No. 38.....	673 of R.R.O. 1970		
District of Algoma - Plan M-51.....		216/72	
District of Algoma - Plan R-812.....		357/80	
District of Cochrane - Plan M-13.....		402/72	
District of Kenora - Plans M-133 and M-134.....		308/79	
amended.....		494/82	Aug. 7/82
District of Manitoulin - Plans 46 and 49.....		711/81	Nov. 7/81
District of Nipissing - Plans M-66, M-251 and M-269.....	668 of R.R.O. 1970		
District of Thunder Bay - Plans 431 and 619.....		362/75	
District of Thunder Bay - Plan M-56.....		343/79	
District of Thunder Bay - Plan M-103.....		221/80	
Withdrawal of Delegation of Authority of Minister under Section 53 of the Planning Act..... (revoked by 789/82)		785/82	Dec. 18/82
Withdrawal of Delegation of Authority of Minister under Section 53 of the Planning Act.....		789/82	Dec. 18/82
PLANNING ACT, 1983			
Delegation of Authority of Minister under Section 4 of the Planning Act, 1983 - Approvals under Subsection 298(11) of the Municipal Act.....		55/85	Feb. 16/85
Condominium Plans.....		475/83	Aug. 13/83
amended.....		250/86	May 24/86
amended.....		282/86	May 31/86
amended.....		737/86	Jan. 3/87
Condominium Plans.....		367/85	July 13/85
amended.....		256/86	May 24/86
amended.....		280/86	May 31/86
Condominium Plans.....		72/86	Mar. 1/86
amended.....		251/86	May 24/86
amended.....		281/86	May 31/86
Consents.....		474/83	Aug. 13/83
amended.....		104/84	Mar. 3/84
amended.....		693/84	Nov. 17/84
amended.....		38/86	Feb. 15/86
amended.....		758/86	Jan. 10/87
amended.....		516/87	Sept. 19/87

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General		548/85	Nov. 16/85
Official Plans		477/83	Aug. 13/83
Official Plans - Hamilton-Wentworth		661/86	Nov. 22/86
Subdivision Plans		476/83	Aug. 13/83
Subdivision Plans		366/85	July 13/85
Notice Requirements -			
Interim Control By-Laws		405/83	July 16/83
Official Plans and Community Improvement Plans		402/83	July 16/83
Removal of Holding Symbol from Zoning By-law		403/83	July 16/83
Zoning By-Laws		404/83	July 16/83
amended		535/84	Sept. 1/84
Planning Board Fees		481/83	Aug. 13/83
Rules of Procedure			
- Consent Applications		406/83	July 16/83
amended		715/86	Dec. 27/86
- Minor Variance Applications		447/83	July 30/83
Subdivision Control -			
District of Nipissing -			
Plan M-414		261/85	June 8/85
Plan M-418		266/85	June 15/85
District of Rainy River		447/86	Aug. 16/86
Withdrawal of Delegation of Authority of Minister under subsection 4(4) of the Planning Act, 1983		425/86	Aug. 16/86
Withdrawal of Minister's Delegation under Section 4 of the Planning Act, 1983 - Official Plans		177/87	Apr. 18/87
Zoning Areas -			
County of Oxford,			
Town of Ingersoll and Township of Southwest Oxford		498/86	Sept. 13/86
revoked		550/87	Oct. 17/87
District of Kenora,			
Geographic Township of Drayton		421/85	Sept. 7/85
Geographic Township of Pellatt		62/86	Feb. 22/86
Geographic Township of Southworth		628/86	Nov. 15/86
Geographic Township of Wainwright		734/84	Dec. 1/84

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Geographic Township of Wainwright.....		3/86	Jan. 25/86
Part of the Sioux Lookout Planning Area.....		25/86	Feb. 8/86
amended.....		614/86	Nov. 1/86
amended.....		119/87	Mar. 21/87
amended.....		198/87	Apr. 25/87
amended.....		442/87	Aug. 15/87
amended.....		575/87	Oct. 31/87
Part of the Sioux Lookout Planning Area.....		26/86	Feb. 8/86
Territorial District of Kenora.....		662/83	Oct. 29/83
amended.....		471/84	Aug. 11/84
Territorial District of Kenora.....		663/83	Oct. 29/83
Territorial District of Kenora.....		753/84	Dec. 15/84
Territorial District of Kenora.....		450/85	Sept. 21/85
Territorial District of Kenora.....		377/86	July 12/86
Territorial District of Kenora.....		549/86	Sept. 27/86
Unorganized Parts of the Red Lake and Area Planning Area.....		85/84	Feb. 25/84
amended.....		174/87	Apr. 18/87
Unorganized Territory in the Territorial District of Kenora.....		1/86	Jan. 25/86
District of Nipissing, Geographic Township of Phelps.....		774/83	Dec. 31/83
Part of the District of Nipissing.....		580/86	Oct. 18/86
Part of the Districts of Nipissing and Sudbury.....		40/85	Feb. 9/85
amended.....		177/85	May 4/85
amended.....		371/85	July 27/85
amended.....		709/86	Dec. 20/86
amended.....		710/86	Dec. 20/86
amended.....		711/86	Dec. 20/86
amended.....		712/86	Dec. 20/86
amended.....		84/87	Mar. 7/87
amended.....		85/87	Mar. 7/87
amended.....		124/87	Mar. 28/87
Part of the Districts of Nipissing and Sudbury (see under District of Nipissing O. Reg. 40/85)			
District of Parry Sound Part of the Geographic Township of Croft.....		579/87	Nov. 7/87
District of Sudbury, Part of the District of Sudbury.....		22/87	Feb. 7/87

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District of Thunder Bay,			
Geographic Township of Bomby.....		257/84	May 12/84
Geographic Township of Bomby.....		339/84	June 16/84
Geographic Township of Bomby.....		350/84	June 23/84
Geographic Township of Brothers.....		86/84	Feb. 25/84
Geographic Township of Pic.....		688/84	Nov. 17/84
amended.....		413/85	Aug. 31/85
amended.....		430/86	Aug. 16/86
Geographic Township of Upsala.....		606/87	Nov. 28/87
Territorial District of Thunder Bay....		340/84	June 16/84
Territorial District of Thunder Bay....		697/84	Nov. 17/84
Territorial District of Thunder Bay....		257/87	May 30/87
Territorial District of Thunder Bay,			
Geographic Township of Gorham.....		413/86	Aug. 2/86
amended.....		465/87	Aug. 22/87
amended.....		506/87	Sept. 19/87
amended.....		720/87	Jan. 9/88
Geographic Township of Ware.....		414/86	Aug. 2/86
amended.....		235/87	May 16/87
amended.....		509/87	Sept. 19/87
Territorial District of Thunder Bay, geographic townships of Bomby, Brothers, Bryant, Cecile, Knowles, Laberge, Lecours and McCron, and Part of the Unorganized Lands lying North of the geographic townships of Bomby, Brothers, Laberge, and lying West of			
Geographic Township of Bryant.....		698/85	Jan. 11/86
amended.....		260/87	May 30/87
District of Timiskaming,			
Geographic Township of Grenfell.....		647/83	Oct. 29/83
Geographic Township of Grenfell.....		679/83	Nov. 12/83
Geographic Township of Otto.....		252/84	May 12/84
Geographic Township of Robillard.....		670/86	Dec. 6/86
Municipality of Englehart,			
Township of Evanturel.....		526/87	Sept. 26/87
Regional Municipality of Peel,			
Town of Caledon.....		58/87	Feb. 21/87
Regional Municipality of Waterloo,			
City of Cambridge.....		60/86	Feb. 22/86
revoked.....		551/86	Oct. 4/86

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PLANT DISEASES ACT			
General	788		
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Arbitration	789		
Equipment	790		
amended		336/81	June 6/81
amended		816/82	Jan. 1/83
amended		364/84	June 23/84
General - Discipline	791		
amended		74/84	Feb. 25/84
amended		702/85	Jan. 18/86
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Responsibility of Policing	793		
amended		837/82	Jan. 8/83
amended		715/84	Nov. 17/84
amended		716/84	Nov. 17/84
POWER CORPORATION ACT			
Electrical Safety Code (revoked by 183/84)	794		
Electrical Safety Code		183/84	Apr. 21/84
Fees (revoked by 384/82)	795		
Fees (revoked by 746/84)		384/82	June 19/82
Fees		746/84	Dec. 8/84
Pension and Insurance Plan	796		
amended		442/82	July 10/82
amended		173/83	Apr. 9/83
amended		530/83	Sept. 3/83
amended		768/83	Dec. 24/83
amended		802/84	Jan. 5/85
amended		432/85	Sept. 14/85
amended		141/86	Apr. 5/86
amended		339/86	June 28/86
amended		59/87	Feb. 21/87
amended		91/87	Mar. 7/87
amended		346/87	July 4/87
amended		510/87	Sept. 19/87
Water Heaters	797		
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Trust Accounts	798		
amended		352/84	June 23/84

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PRESCRIPTION DRUG COST REGULATION ACT, 1986			
General		690/86	Dec. 13/86
amended		748/86	Jan. 3/87
amended		54/87	Feb. 21/87
amended		184/87	Apr. 18/87
amended		272/87	June 6/87
amended		353/87	July 4/87
amended		355/87	July 4/87
amended		357/87	July 4/87
amended		514/87	Sept. 19/87
amended		662/87	Dec. 19/87
Notice to Patients		691/86	Dec. 13/86
PRIVATE HOSPITALS ACT .			
General	799		
amended		628/81	Oct. 10/81
PRIVATE INVESTIGATORS AND SECURITY GUARDS ACT			
General	800		
PRIVATE VOCATIONAL SCHOOLS ACT			
General	801		
amended		499/81	Aug. 15/81
amended		184/83	Apr. 16/83
PROFESSIONAL ENGINEERS ACT (See now Professional Engineers Act, 1984)			
Consulting Engineers (revoked by 538/84)	802		
Designation of Specialists (revoked by 538/84)	803		
General (revoked by 538/84)	804		
Practice and Procedure for Hearings (revoked by 538/84)	805		
PROFESSIONAL ENGINEERS ACT, 1984			
General		538/84	Sept. 8/84
amended		809/84	Jan. 5/85
amended		96/85	Mar. 9/85
amended		157/85	Apr. 20/85
amended		57/86	Feb. 22/86
amended		420/86	Aug. 2/86
amended		421/86	Aug. 2/86
amended		88/87	Mar. 7/87
amended		365/87	July 11/87

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PROVINCIAL COURT (CIVIL DIVISION) PROJECT ACT AND PROVINCIAL COURT (CIVIL DIVISION) ACT (See now Courts of Justice Act, 1984)			
Rules of the Provincial Court (Civil Division)	806		
amended		732/81	Nov. 21/81
amended		284/82	May 15/82
amended		450/83	July 30/83
amended		453/83	July 30/83
amended		406/84	July 14/84
amended		685/84	Nov. 10/84
(revoked by 797/84)			
PROVINCIAL COURTS ACT (See now Courts of Justice Act, 1984)			
Destruction of Records Made by Court Reporter		60/83	Feb. 12/83
(expired)			
Observation and Detention Homes	807		
(revoked by 550/85)			
Stenographic Reporters	812		
(expired)			
PROVINCIAL LAND TAX ACT			
Exemption	813		
(revoked by 411/86)			
Forms		303/83	June 4/83
amended		12/84	Jan. 28/84
amended		412/86	Aug. 2/86
General	814		
amended		508/83	Aug. 27/83
amended		549/83	Sept. 10/83
amended		79/85	Mar. 2/85
PROVINCIAL OFFENCES ACT			
Approval of Part II By-laws		429/87	Aug. 8/87
Approval of Part II By-laws		475/87	Aug. 29/87
Approval of Part II By-laws		568/87	Oct. 31/87
Approval of Part II By-laws		697/87	Jan. 2/88
Approval of Part II By-laws		698/87	Jan. 2/88
Costs	815		
amended		285/82	May 15/82
amended		614/85	Dec. 14/85
amended		508/87	Sept. 19/87
Extensions of Prescribed Times	816		

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Fee for Late Payment of Fine		173/87	Apr. 18/87
Fine Option Program		142/83	Mar. 26/83
Parking Infractions		428/87	Aug. 8/87
Proceedings Commenced by Certificate of Offence	817		
amended		517/81	Aug. 15/81
amended		382/82	June 19/82
amended		686/82	Oct. 30/82
amended		713/82	Nov. 13/82
amended		766/82	Dec. 11/82
amended		33/83	Feb. 5/83
amended		65/85	Feb. 23/85
amended		161/85	Apr. 20/85
amended		271/85	June 15/85
amended		331/85	July 6/85
amended		356/85	July 13/85
amended		512/85	Oct. 26/85
amended		513/85	Oct. 26/85
amended		514/85	Oct. 26/85
amended		201/86	Apr. 26/86
amended		457/86	Aug. 16/86
amended		460/86	Aug. 16/86
amended		572/86	Oct. 11/86
amended		674/86	Dec. 6/86
amended		172/87	Apr. 18/87
amended		430/87	Aug. 8/87
Rules of Practice and Procedure on Appeals in the Court of Appeal under the Provincial Offences Act	818		
Rules of Practice and Procedure on Appeals in the District Court and the Provincial Court (Criminal Division) under Section 99 of the Act	819		
Rules of Practice and Procedure on Appeals in the Provincial Court (Criminal Division) under Section 118 of the Act	820		
PROVINCIAL PARKS ACT			
Designation of Parks	821		
amended		279/81	May 23/81
amended		429/82	July 3/82
amended		768/82	Dec. 11/82
amended		154/83	Apr. 30/83
amended		220/83	Apr. 30/83
amended		343/83	June 25/83
amended		378/83	July 9/83
amended		68/84	Feb. 18/84
amended		69/84	Feb. 18/84
amended		129/84	Mar. 17/84
amended		152/84	Mar. 24/84
amended		187/84	Apr. 14/84
amended		409/84	July 14/84
amended		410/84	July 14/84
amended		625/84	Oct. 20/84

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amended		680/84	Nov. 10/84
amended		45/85	Feb. 16/85
amended		81/85	Mar. 9/85
amended		279/85	June 15/85
amended		493/85	Oct. 19/85
amended		52/86	Feb. 15/86
amended		566/86	Oct. 11/86
amended		639/87	Dec. 19/87
amended		675/87	Dec. 26/87
General	822		
amended		251/81	May 16/81
amended		188/82	Apr. 10/82
amended		191/82	Apr. 10/82
amended		569/82	Sept. 4/82
amended		612/82	Sept. 25/82
amended		211/83	Apr. 23/83
amended		344/83	June 25/83
amended		644/83	Oct. 29/83
amended		128/84	Mar. 17/84
amended		188/84	Apr. 14/84
amended		546/84	Sept. 3/84
amended		702/84	Nov. 17/84
amended		783/84	Dec. 29/84
amended		47/85	Feb. 16/85
amended		147/85	Apr. 20/85
amended		282/85	June 15/85
amended		492/85	Oct. 19/85
amended		534/85	Nov. 9/85
amended		9/86	Feb. 1/86
amended		51/86	Feb. 15/86
amended		338/86	June 28/86
amended		400/86	July 19/86
amended		424/86	Aug. 16/86
amended		167/87	Apr. 18/87
amended		500/87	Sept. 12/87
amended		640/87	Dec. 19/87
Guides in Quetico Provincial Park	823		
Mining in Provincial Parks		345/83	June 25/83
amended		46/85	Feb. 16/85
amended		82/85	Mar. 9/85
amended		281/85	June 15/85
Mining - Ojibway Prairie Provincial Nature Reserve	824		
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General	825		
amended		227/81	Apr. 25/81
amended		255/83	May 21/83
amended		661/84	Nov. 3/84
amended		225/85	June 1/85
amended		249/87	May 30/87
amended		448/87	Aug. 15/87
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Licence Fee	826		

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Carrying Goods in Bond	827		
amended		87/86	Mar. 8/86
amended		618/86	Nov. 1/86
Conditions of Carriage - Freight Forwarders	828		
General Freight Carriers	829		
Livestock Carriers	830		
Used Household Goods Carriers	831		
Extending Validity of Public Commercial Vehicle Licences (expired)		206/81	Apr. 18/81
Extending Validity of Public Commercial Vehicle Licences (expired)		84/82	Mar. 6/82
Extending Validity of Public Commercial Vehicle Licences (expired)		86/83	Feb. 26/83
Extending Validity of Public Commercial Vehicle Licences (expired)		123/84	Mar. 10/84
Extending Validity of Public Commercial Vehicle Licences		97/85	Mar. 16/85
General	832		
amended		205/81	Apr. 18/81
amended		663/81	Oct. 24/81
amended		778/81	Dec. 5/81
amended		88/86	Mar. 8/86
amended		171/86	Apr. 12/86
Intercorporate Exemption		76/82	Mar. 6/82
amended		167/86	Apr. 12/86
Section 10b - Certificates		172/86	Apr. 12/86
amended		437/86	Aug. 16/86
amended		291/87	June 13/87
PUBLIC HEALTH ACT (See now Laboratory and Specimen Collection Centre Licensing Act and see Health Protection and Promotion Act, 1983)			
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Camps in Unorganized Territory (revoked by 193/84)	834		

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amended.....		219/84	Apr. 28/84
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Community Health Services.....	837		
amended.....		131/81	Mar. 28/81
amended.....		781/81	Dec. 5/81
(expired)			
Designation of Communicable Diseases.....	838		
amended.....		210/83	Apr. 23/83
amended.....		496/83	Aug. 20/83
(revoked by 161/84)			
Designation of Human Ailments..... (expired)	839		
Food Premises..... (revoked by 243/84)	840		
Grants to Boards of Health.....	841		
amended.....		174/82	Apr. 10/82
amended.....		346/84	June 16/84
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Health Units - General.....	843		
amended.....		130/81	Mar. 28/81
amended.....		394/81	June 27/81
amended.....		747/81	Nov. 28/81
amended.....		560/82	Aug. 28/82
amended.....		712/82	Nov. 13/82
amended.....		587/83	Oct. 1/83
amended.....		345/84	June 16/84
(revoked by 235/84)			
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amended		669/81	Oct. 24/81
amended		561/82	Aug. 28/82
(revoked by 381/84)			
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(Expired)			
Slaughterhouses and Meat Processing Plants	853		
amended		749/81	Nov. 28/81
(revoked by 293/84)			
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X-Ray Safety	855		
amended		45/84	Feb. 11/84
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amended		32/83	Feb. 5/83
amended		705/83	Nov. 19/83
amended		639/84	Oct. 27/84
amended		674/84	Nov. 10/84
amended		695/84	Nov. 17/84
amended		353/85	July 6/85
amended		354/85	July 6/85

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amended		569/85	Nov. 23/85
amended		110/87	Mar. 21/87
amended		282/87	June 13/87
amended		436/87	Aug. 8/87
Grants to Certain Hospitals for Laboratory Investigations	864		
amended		580/81	Sept. 12/81
Hospital Management	865		
Oil Conversion Grants		229/82	May 1/82
Special Grant - Hawkesbury and District General Hospital		43/81	Feb. 21/81
James Bay General Hospital		445/83	July 30/83
amended		497/85	Oct. 26/85
Management of Biomedical Waste		461/86	Aug. 16/86
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revoked		53/87	Feb. 21/87
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Grants for Public Libraries.....		290/82	May 15/82
amended.....		354/82	June 12/82
amended.....		470/83	Aug. 6/83
amended..... (revoked by 100/85)		617/84	Oct. 20/84
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Grants for Public Libraries.....		100/85	Mar. 16/85
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General.....	881		
amended.....		77/81	Mar. 7/81
amended.....		162/81	Apr. 4/81
amended.....		26/82	Feb. 13/82
amended.....		328/82	June 5/82
amended.....		96/83	Mar. 5/83
amended.....		260/83	May 21/83
amended.....		286/83	May 28/83
amended.....		38/84	Feb. 11/84
amended.....		431/84	July 21/84
amended.....		686/84	Nov. 17/84
amended.....		88/85	Mar. 9/85
amended.....		246/85	June 8/85
amended.....		337/85	July 6/85
amended.....		24/86	Feb. 8/86
amended.....		533/86	Sept. 20/86
amended.....		36/87	Feb. 14/87
amended.....		154/87	Apr. 11/87
amended.....		304/87	June 20/87
amended.....		523/87	Sept. 19/87
amended.....		667/87	Dec. 19/87

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amended.....		502/83	Aug. 27/83
amended.....		247/85	June 8/85
amended.....		308/85	June 22/85
amended.....		56/86	Feb. 22/86
amended.....		340/86	June 28/86
Low Pensions.....		203/87	May 2/87
Salary.....		248/85	June 8/85
Supplementary Benefit - Deputy Ministers Service.....		59/85	Feb. 16/85
revoked.....		727/86	Dec. 27/86
Supplementary Benefit - Ontario Provincial Police Force Early Retirement.....		38/85	Feb. 9/85
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amended.....		48/82	Feb. 20/82
amended.....		256/83	May 21/83
amended.....		375/83	July 9/83
amended.....		620/83	Oct. 15/83
amended.....		244/84	May 5/84
amended.....		683/84	Nov. 10/84
amended.....		95/85	Mar. 9/85
amended.....		101/85	Mar. 16/85
amended.....		600/85	Dec. 14/85
amended.....		369/86	July 12/86
amended.....		293/87	June 13/87
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General.....	888		
amended.....		65/81	Feb. 28/81
amended.....		399/81	July 4/81
amended.....		662/81	Oct. 24/81
amended.....		398/82	June 26/82
amended.....		379/84	June 30/84
amended.....		397/86	July 12/86
amended.....		652/87	Dec. 19/87

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R			
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Rate of Tax	889		
amended		180/81	Apr. 11/81
amended		548/81	Sept. 5/81
amended		40/82	Feb. 13/82
amended		507/83	Aug. 27/83
RADIOLOGICAL TECHNICIANS ACT			
General	890		
amended		479/82	July 31/82
amended		818/84	Jan. 19/85
amended		510/85	Oct. 26/85
amended		76/86	Mar. 8/86
amended		202/86	Apr. 26/86
REAL ESTATE AND BUSINESS BROKERS ACT			
General	891		
amended		705/81	Nov. 7/81
amended		23/82	Feb. 6/82
amended		618/83	Oct. 15/83
amended		87/84	Mar. 3/84
amended		198/84	Apr. 14/84
amended		274/86	May 24/86
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amended		212/81	Apr. 25/81
amended		245/84	May 5/84
REGIONAL MUNICIPALITY OF DURHAM ACT			
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Order of the Minister-Transitional Mill Rates		606/82	Sept. 25/82
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Town of Ajax - Representation on Regional Council		644/87	Dec. 19/87

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REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH ACT			
Alteration of Status - Township of Flamborough.....		814/84	Jan. 5/85
Order of the Minister.....		353/83	June 25/83
(this Reg. amends O.Reg. 148/78 see Schedule to R.R.O., 1980) Order - Town of Stoney Creek.....		781/83	Dec. 31/83
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Equalization of Assessments made under Section 74 of The Regional Municipality of Sudbury Act.....		376/86	July 12/86
Order of the Minister-Rates of Taxation.....		392/82	June 26/82
Order of the Minister-Transitional Mill Rates.....		607/82	Sept. 25/82
Order of the Minister-Transitional Mill Rates.....		501/83	Aug. 27/83
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Order of the Minister-Transitional Mill Rates.....		265/85	June 8/85
Order of the Minister-Transitional Mill Rates.....		357/85	July 13/85
REGIONAL MUNICIPALITY OF WATERLOO ACT			
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Township of Woolwich - Representation on Regional Council.....		343/85	July 6/85
REGIONAL MUNICIPALITY OF YORK ACT			
Township of Georgina - Alteration of Status.....		252/86	May 24/86
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Composition and Election of Council.....		447/84	July 28/84

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Exemption..... (revoked by 636/82)		636/81	Oct. 17/81
Exemptions.....		636/82	Oct. 9/82
General.....		637/81	Oct. 17/81
amended.....		624/82	Oct. 9/82
amended.....		447/84	July 28/84
amended.....		698/84	Nov. 17/84
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Canada Lands.....	894		
amended.....		168/83	Apr. 9/83
Certification Areas.....		825/81	Dec. 26/81
Fees.....	895		
amended.....		807/81	Dec. 19/81
amended.....		323/83	June 11/83
amended.....		136/84	Mar. 17/84
amended.....		235/85	June 1/85
amended.....		266/86	May 24/86
amended.....		656/87	Dec. 19/87
Forms and Records.....	896		
amended.....		512/81	Aug. 15/81
amended.....		584/81	Sept. 12/81
amended.....		638/81	Oct. 17/81
amended.....		324/82	May 29/82
amended.....		351/82	June 12/82
amended.....		171/83	Apr. 9/83
amended.....		279/83	May 21/83
amended.....		559/83	Sept. 17/83
amended.....		787/83	Jan. 7/84
amended.....		285/84	May 19/84
amended.....		552/84	Sept. 8/84
amended.....		578/84	Sept. 29/84
amended.....		135/85	Apr. 20/85
amended.....		236/85	June 1/85
amended.....		240/85	June 1/85
amended.....		453/85	Sept. 28/85
amended.....		213/86	May 3/86
amended.....		226/86	May 10/86
amended.....		81/87	Feb. 28/87
amended.....		82/87	Feb. 28/87
amended.....		361/87	July 4/87
amended.....		524/87	Sept. 19/87
amended.....		586/87	Nov. 14/87
amended.....		668/87	Dec. 26/87
Hours.....		147/87	Apr. 11/87
Hours.....		268/87	June 6/87
Hours.....		554/87	Oct. 17/87
Registry Divisions..... (revoked by 551/81)	897		

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Registry Divisions		551/81	Sept. 5/81
amended		167/83	Apr. 9/83
amended		448/84	July 28/84
amended		153/85	Apr. 20/85
amended		152/85	Apr. 20/85
amended		538/85	Nov. 9/85
amended		162/86	Apr. 12/86
Surveys, Plans and Descriptions of Land	898		
amended		552/81	Sept. 5/81
amended		169/83	Apr. 9/83
amended		577/84	Sept. 29/84
amended		34/85	Feb. 9/85
amended		638/85	Dec. 21/85
amended		190/87	Apr. 18/87
Transfer of Functions		414/87	Aug. 1/87
REGULATIONS ACT			
General	899		
amended		592/83	Oct. 15/83
RENTAL HOUSING PROTECTION ACT, 1986			
General		434/86	Aug. 16/86
amended		570/86	Oct. 11/86
amended		594/86	Oct. 18/86
amended		605/86	Oct. 25/86
amended		672/86	Dec. 6/86
amended		29/87	Feb. 7/87
amended		116/87	Mar. 21/87
amended		130/87	Mar. 28/87
amended		220/87	May 9/87
amended		378/87	July 11/87
amended		487/87	Sept. 12/87
amended		634/87	Dec. 12/87
amended		635/87	Dec. 12/87
amended		700/87	Jan. 2/88
RESIDENTIAL RENT REGULATION ACT, 1986			
General		749/86	Jan. 3/87
amended		9/87	Jan. 31/87
amended		143/87	Apr. 4/87
amended		211/87	May 9/87
amended		233/87	May 16/87
amended		305/87	June 27/87
amended		306/87	June 27/87
amended		336/87	June 27/87
amended		359/87	July 4/87
amended		476/87	Aug. 29/87
amended		481/87	Aug. 29/87
amended		682/87	Dec. 26/87
Regions		4/87	Jan. 31/87
amended		215/87	May 9/87
Rent Determination		93/87	Mar. 14/87
amended		142/87	Apr. 4/87
amended (revoked by 440/87)		210/87	May 9/87

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Rent Determination		440/87	Aug. 8/87
amended		459/87	Aug. 15/87
amended		496/87	Sept. 12/87
amended		498/87	Sept. 12/87
amended		518/87	Sept. 19/87
Rent Registry		10/87	Jan. 31/87
amended		234/87	May 16/87
amended		480/87	Aug. 29/87
amended		497/87	Sept. 12/87
amended		517/87	Sept. 19/87
RESIDENTIAL TENANCIES ACT			
Exemption	900		
revoked		691/84	Nov. 17/84
Fees and Forms	901		
amended		824/81	Dec. 26/81
amended		153/83	Apr. 2/83
Regions	902		
RETAIL SALES TAX ACT			
Definitions		52/81	Feb. 21/81
Definitions by Minister	903		
amended		53/81	Feb. 21/81
amended		111/81	Mar. 14/81
amended		141/81	Mar. 28/81
amended		606/81	Sept. 26/81
amended		837/81	Jan. 2/82
amended		868/81	Jan. 19/82
amended		55/82	Feb. 20/82
amended		273/82	May 8/82
amended		303/82	May 22/82
amended		590/82	Sept. 18/82
amended		737/82	Nov. 20/82
amended		821/82	Jan. 1/83
amended		126/83	Mar. 26/83
amended		238/83	May 14/83
amended		568/83	Sept. 24/83
amended		7/84	Jan. 21/84
amended		165/84	Mar. 31/84
amended		222/84	Apr. 28/84
amended		604/84	Oct. 6/84
amended		723/84	Nov. 24/84
amended		186/85	May 11/85
amended		543/86	Sept. 20/86
amended		32/87	Feb. 14/87
amended		396/87	July 18/87
Extension of Delivery Date for Furniture (expired)		382/81	June 20/81
General	904		
amended		91/81	Mar. 14/81
amended		92/81	Mar. 14/81
amended		140/81	Mar. 28/81

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amended		178/81	Apr. 11/81
amended		381/81	June 20/81
amended		476/81	Aug. 1/81
amended		586/81	Sept. 12/81
amended		619/81	Oct. 10/81
amended		718/81	Nov. 14/81
amended		813/81	Dec. 19/81
amended		41/82	Feb. 13/82
amended		167/82	Apr. 3/82
amended		168/82	Apr. 3/82
amended		232/82	May 1/82
amended		244/82	May 1/82
amended		249/82	May 1/82
amended		342/82	June 12/82
amended		634/82	Oct. 9/82
amended		731/82	Nov. 20/82
amended		334/83	June 18/83
amended		503/83	Aug. 27/83
amended		619/83	Oct. 15/83
amended		8/84	Jan. 21/84
amended		265/84	May 12/84
amended		591/84	Sept. 29/84
amended		714/84	Nov. 17/84
amended		311/85	June 22/85
amended		232/86	May 17/86
amended		449/86	Aug. 16/86
amended		655/86	Nov. 22/86
amended		128/87	Mar. 28/87
amended		276/87	June 6/87
amended		403/87	July 25/87
amended		438/87	Aug. 8/87
amended		504/87	Sept. 12/87
amended		631/87	Dec. 12/87
Rebate for Eligible 1981 Motor Vehicles...		755/81	Nov. 28/81
Tax Rebate for New Light Trucks or Vans... (this Reg. amends O.Reg. 1010/80 see Schedule to R.R.O. 1980)		177/81	Apr. 11/81
RIDING HORSE ESTABLISHMENTS ACT			
General	905		
S			
ST. CLAIR PARKWAY COMMISSION ACT			
General	906		
amended		149/81	Apr. 4/81
amended		383/83	July 9/83
amended		259/84	May 12/84
amended		215/85	June 1/85
amended		151/86	Apr. 12/86
amended		261/87	May 30/87

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ST. LAWRENCE PARKS COMMISSION ACT			
Controlled Access Highways	907		
Highway Vested in the Commission	908		
Parks	909		
amended		31/81	Feb. 14/81
amended		3/82	Jan. 23/82
amended		130/82	Mar. 20/82
amended		225/83	Apr. 30/83
amended		260/84	May 12/84
amended		212/85	June 1/85
amended		198/86	Apr. 26/86
amended		426/86	Aug. 16/86
amended		263/87	May 30/87
SECURITIES ACT			
General	910		
amended		84/81	Mar. 14/81
amended		224/81	Apr. 25/81
amended		238/81	May 2/81
amended		637/82	Oct. 9/82
amended		649/82	Oct. 16/82
amended		808/82	Dec. 25/82
amended		180/83	Apr. 16/83
amended		205/84	Apr. 14/84
amended		286/84	May 19/84
amended		420/85	Sept. 7/85
amended		686/85	Jan. 4/86
amended		687/85	Jan. 4/86
amended		214/86	May 3/86
amended		383/86	July 12/86
amended		19/87	Feb. 7/87
amended		345/87	July 4/87
amended		374/87	July 11/87
SEED POTATOES ACT			
General	911		
SHEEP AND WOOL MARKETING ACT, 1981			
Licence Fees		146/82	Mar. 27/82
amended		68/83	Feb. 12/83
amended		515/83	Aug. 27/83
revoked		559/85	Nov. 16/85
SHORELINE PROPERTY ASSISTANCE ACT			
General	912		
amended		276/81	May 23/81
amended		213/82	Apr. 24/82
amended		445/85	Sept. 21/85
amended		590/86	Oct. 18/86
SMALL BUSINESS DEVELOPMENT CORPORATIONS ACT			
Additional Material to be Furnished with Grant Applications		24/84	Feb. 4/84

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Delegation of Powers	913		
amended		164/83	Apr. 9/83
amended		297/86	June 7/86
amended		158/87	Apr. 11/87
amended		470/87	Aug. 29/87
Forms	914		
amended		392/83	July 9/83
amended		157/84	Mar. 24/84
amended		528/86	Sept. 20/86
General	915		
amended		587/81	Sept. 12/81
amended		42/82	Feb. 13/82
amended		300/83	June 4/83
amended		506/83	Aug. 27/83
amended		25/84	Feb. 4/84
amended		632/84	Oct. 20/84
amended		410/86	Aug. 2/86
amended		620/86	Nov. 8/86
amended		216/87	May 9/87
amended		632/87	Dec. 12/87
Terms and Conditions Relating to Beneficial Ownership of Equity Shares		299/83	June 4/83
SMALL CLAIMS COURTS ACT (See now Courts of Justice Act, 1984)			
Courts	916		
amended		373/83	July 9/83
amended		374/83	July 9/83
amended		127/84	Mar. 17/84
amended (revoked by 159/85)		150/84	Mar. 24/84
Rules of Procedure	917		
amended		540/82	Aug. 21/82
amended		452/83	July 30/83
amended (revoked by 797/84)		392/84	July 7/84
Small Claims Courts Judges	918		
amended		112/81	Mar. 14/81
amended		425/81	July 11/81
amended		178/82	Apr. 10/82
amended		575/82	Sept. 11/82
revoked		370/83	July 9/83
Tariff of Fees	919		
amended		731/81	Nov. 21/81
amended		286/82	May 15/82
amended		451/83	July 30/83
amended		407/84	July 14/84
amended (revoked by 797/84)		684/84	Nov. 10/84
STOCK YARDS ACT			
Management	920		

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SUCCESSION DUTY ACT			
General		43/82	Feb. 13/82
amended		250/82	May 1/82
amended		505/83	Aug. 27/83
(these Regs. amend Reg. 804 of R.R.O.1970 - See Schedule to R.R.O.1980)			
SUPERANNUATION ADJUSTMENT BENEFITS ACT			
Designation and Review Committee - Caucus Employees Retirement Plan	921		
Public Service Superannuation Fund	922		
Retirement Pension Plan of Ryerson Polytechnical Institute	923		
Teachers' Superannuation Fund	924		
SURROGATE COURTS ACT			
Rules of Practice - Surrogate Court	925		
amended		845/82	Jan. 8/83
amended		501/84	Aug. 18/84
SURVEYORS ACT			
General	926		
SURVEYS ACT			
Monuments (revoked by 221/81)	927		
Monuments		221/81	Apr. 25/81
amended		566/81	Sept. 12/81
amended		767/82	Dec. 11/82
amended		396/84	July 7/84
amended		96/87	Mar. 14/87
Ontario Co-ordinate System	929		
Survey Methods	928		
T			
TEACHERS' SUPERANNUATION ACT (See now Teachers' Superannuation Act, 1983)			
General	930		
amended		557/81	Sept. 5/81
amended		690/81	Nov. 7/81
amended		101/83	Mar. 5/83

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amended		533/83	Sept. 3/83
amended		788/83	Jan. 7/84
(revoked by 423/84)			
TEACHERS' SUPERANNUATION ACT, 1983			
General		423/84	July 14/84
amended		568/84	Sept. 15/84
amended		776/84	Dec. 22/84
amended		430/85	Sept. 14/85
amended		540/85	Nov. 9/85
amended		695/85	Jan. 11/86
amended		197/86	Apr. 26/86
amended		279/86	May 31/86
amended		322/86	June 21/86
amended		464/86	Aug. 23/86
amended		112/87	Mar. 21/87
amended		155/87	Apr. 11/87
Low Pensions		156/87	Apr. 11/87
TECHNOLOGY CENTRES ACT, 1982			
Ontario Centre for Advanced Manufacturing		773/82	Dec. 11/82
Ontario Centre for Automotive Parts Technology		810/82	Dec. 25/82
Ontario Centre for Farm Machinery and Food Processing Technology		848/82	Jan. 15/83
Ontario Centre for Microelectronics		618/82	Oct. 2/82
Ontario Centre for Resource Machinery (revoked by 685/83)		774/82	Dec. 11/82
Ontario Centre for Resource Machinery Technology		685/83	Nov. 12/83
THEATRES ACT			
General	931		
amended		138/81	Mar. 28/81
amended		438/81	July 11/81
amended		600/81	Sept. 19/81
amended		29/82	Feb. 18/82
amended		538/83	Sept. 10/83
amended		56/85	Feb. 16/85
amended		61/85	Feb. 23/85
amended		679/85	Jan. 4/86
TILE DRAINAGE ACT			
General	932		
TOBACCO TAX ACT			
Forms	933		
amended		272/82	May 8/82
amended		384/83	July 9/83

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amended		605/84	Oct. 6/84
amended		544/86	Sept. 20/86
General	934		
amended		44/82	Feb. 13/82
amended		251/82	May 1/82
amended		504/83	Aug. 27/83
amended		605/83	Oct. 15/83
amended		743/84	Dec. 8/84
amended		117/85	Mar. 23/85
amended		309/85	June 22/85
amended		526/85	Nov. 2/85
amended		134/86	Apr. 5/86
amended		300/86	June 7/86
amended		539/86	Sept. 20/86
amended		540/86	Sept. 20/86
amended		63/87	Feb. 21/87
amended		245/87	May 23/87
Refunds		606/83	Oct. 15/83
Taxable Prices and Tax Payable on Cigarettes and Other Tobacco Products		439/81	July 11/81
amended		629/81	Oct. 10/81
amended		870/81	Jan. 19/82
amended		185/82	Apr. 10/82
amended		447/82	July 17/82
amended		640/82	Oct. 16/82
amended		841/82	Jan. 8/83
amended		185/83	Apr. 16/83
amended		410/83	July 16/83
amended		633/83	Oct. 15/83
amended		807/83	Jan. 14/84
amended		182/84	Apr. 14/84
amended		416/84	July 14/84
revoked		298/86	June 7/86
TORONTO AREA TRANSIT OPERATING AUTHORITY ACT			
General	935		
amended		400/81	July 4/81
amended		441/82	July 10/82
amended		380/83	July 9/83
amended		375/84	June 30/84
amended		171/85	Apr. 27/85
amended		333/85	July 6/85
amended		491/86	Sept. 6/86
amended		341/87	June 27/87
amended		505/87	Sept. 12/87
amended		709/87	Jan. 2/88
TOURISM ACT			
General	936		
amended		786/81	Dec. 5/81
TRAINING SCHOOLS ACT			
General	937		
amended		822/81	Dec. 26/81
amended		734/83	Dec. 10/83
amended		550/85	Nov. 16/85

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TRANSBOUNDARY POLLUTION RECIPROCAL ACCESS ACT, 1986			
Reciprocating Jurisdictions		623/86	Nov. 15/86
amended		431/87	Aug. 8/87
TRAVEL INDUSTRY ACT			
General	938		
amended		239/81	May 2/81
amended		706/81	Nov. 7/81
amended		304/82	May 22/82
amended		815/82	Jan. 1/83
amended		589/83	Oct. 1/83
amended		612/83	Oct. 15/83
amended		149/84	Mar. 17/84
amended		275/86	May 24/86
U			
UNIFIED FAMILY COURT ACT (See now Courts of Justice Act, 1984)			
UPHOLSTERED AND STUFFED ARTICLES ACT			
General	940		
amended		294/83	June 4/83
amended		621/84	Oct. 20/84
amended		352/86	June 28/86
amended		641/87	Dec. 19/87
V			
VENEREAL DISEASES PREVENTION ACT (See now Health Protection and Promotion Act, 1983,)			
General	941		
amended		499/83	Aug. 27/83
(revoked by 237/84)			
VITAL STATISTICS ACT			
General	942		
amended		365/81	June 20/81
amended		539/83	Sept. 10/83
amended		332/86	June 28/86
amended		384/86	July 12/86
amended		402/87	July 25/87

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VOCATIONAL REHABILITATION SERVICES ACT			
General	943		
amended		247/81	May 16/81
amended		422/81	July 11/81
amended		635/81	Oct. 17/81
amended		823/81	Dec. 26/81
amended		108/82	Mar. 13/82
amended		735/83	Dec. 10/83
amended		215/84	Apr. 28/84
amended		335/84	June 16/84
amended		467/84	Aug. 4/84
amended		534/84	Sept. 1/84
amended		626/84	Oct. 20/84
amended		763/84	Dec. 15/84
amended		51/85	Feb. 16/85
amended		140/85	Apr. 20/85
amended		446/85	Sept. 21/85
amended		501/85	Oct. 26/85
amended		644/85	Dec. 28/85
amended		45/86	Feb. 15/86
amended		135/86	Apr. 5/86
amended		680/86	Dec. 13/86
amended		200/87	Apr. 25/87
amended		654/87	Dec. 19/87

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WEED CONTROL ACT			
General	944		
amended		254/86	May 24/86
WILD RICE HARVESTING ACT			
General	945		
WILDERNESS AREAS ACT			
Wilderness Areas	946		
amended		412/84	July 14/84
WINE CONTENT ACT			
General	947		
amended		86/82	Mar. 6/82
amended		602/82	Sept. 25/82
amended		369/83	July 9/83
WOODLANDS IMPROVEMENT ACT			
General	948		

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WOOL MARKETING ACT (See now Sheep and Wool Marketing Act, 1981)			
Licence Fees..... (revoked by 146/82)	949		
WORKMEN'S COMPENSATION ACT (See now Workers' Compensation Act)			
WORKERS' COMPENSATION ACT			
First-Aid Requirements.....	950		
amended.....		525/83	Sept. 3/83
General.....	951		
amended.....		526/83	Sept. 3/83
amended.....		253/85	June 8/85
amended.....		122/87	Mar. 28/87
Pension Plan.....	952		
amended.....		409/81	July 4/81
amended.....		813/82	Jan. 1/83
amended.....		66/84	Feb. 16/84
amended.....		719/84	Nov. 24/84
amended.....		301/86	June 7/86
amended.....		468/86	Aug. 23/86
amended.....		286/87	June 13/87

